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TENNESSEE ADMINISTRATIVE REGISTER

January 14, 2005
Volume 31, Number 1



RILEY C. DARNELL

Secretary of State

Division of Publications
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PREFACE

The Tennessee Administrative Register (T.A.R) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the *official compilation-Rules and Regulations of the State of Tennessee*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

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ANNOUNCEMENTS

THE DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

ANNOUNCEMENT OF FORMULA RATE OF INTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 9.25%.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

Kevin P. Lavender

THE DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of February 2005 is 8.91 percent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the calculated rate is 4.91 percent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P.L. 96-221 as amended by P.L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

Kevin P. Lavender

GOVERNMENT OPERATIONS COMMITTEES

ANNOUNCEMENT OF PUBLIC HEARINGS

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the previous month. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-06	Dec 9, 2004	1240 Human Services Family Assistance Division	Rulemaking Hearing Rules	New Rules	<i>Chapter 1240-1-9 Transitional Food Stamp Eligibility</i> 1240-1-9-.01 Eligibility Requirements 1240-1-9-.02 Determining the Transitional Food Stamp Benefit 1240-1-9-.03 Changes 1240-1-9-.04 Re-certification for Regular Food Stamp Benefits 1240-1-9-.05 Ending Transitional Food Stamp Benefits	Phyllis A. Simpson Human Services Citizens Plaza Bldg 15 th Fl 400 Deaderick St Nashville TN 37248-0006 (615) 313-4731	Feb 28, 2005
12-07	Dec 13, 2004	1255 Real Estate Appraiser Commission	Rulemaking Hearing Rules	Amendments	<i>Chapter 1255-1 General Provisions</i> 1255-1-.05 Qualifications for State Licensed Appraiser 1255-1-.07 Qualifications for State Certified Residential Appraiser 1255-1-.08 Qualifications for General Certification 1255-1-.09 Licensure and Certification. 1255-1-.10 Denial of License or Certificate. 1255-1-.11 License or Certificate Expiration. 1255-1-.12 License and Certificate Renewal 1255-1-.13 Registered Trainee. 1255-1-.14 Replacement License or Certificate 1255-1-.15 Federal Appraiser Registry <i>Chapter 1255-2 Evaluation of Appraisal Education</i> 1255-2-.01 Approved Courses 1255-2-.02 Educational Logging 1255-2-.03 Repeated Courses 1255-2-.04 Standards for Acceptance of Coursework 1255-2-.05 Course Provider Applications 1255-2-.06 Course Guidelines 1255-2-.07 Course Content Guidelines- Qualifying Education 1255-2-.08 Course Content Guidelines- Continuing Education 1255-2-.09 Records 1255-2-.10 Inspections 1255-2-.11 Changes in Applications 1255-2-.12 Withdrawal of Approval 1255-2-.13 Promotional Material	Alison G. Zane Commerce and Insurance 500 James Robertson Pkwy Davy Crockett Twr 5 th Fl Nashville TN 37243 (615) 741-3072	Feb 26, 2005

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
12-07, cont.					1255-2-.14 Repetition of Course Content 1255-2-.15 Fees 1255-2-.16 Individual Review <i>Chapter 1255-3</i> <i>Evaluation of Appraisal Experience</i> 1255-3-.01 Real Estate Appraisal Experience 1255-3-.02 Hourly Credit Guidelines 1255-3-.03 Criteria for Standard and Review Appraisal Experience <i>Chapter 1255-4</i> <i>Continuing Education</i> 1255-4-.01 Continuing Education <i>Chapter 1255-5</i> <i>Standards of Professional Practice</i> 1255-5-.01 Uniform Standards of Appraisal Practice 1255-5-.02 Civil Penalties <i>Chapter 1255-6</i> <i>Reciprocity</i> 1255-6-.01 Reciprocal Agreements 1255-6-.02 Temporary Practice Permits <i>Chapter 1255-7</i> <i>Inactive Status</i> 1255-7-.01 Inactive Status		
12-11	Dec 15, 2004	1340 Safety Driver Control Division	Proposed Rules	Amendment	<i>Chapter 1340-1-11</i> <i>Tennessee Motorcycle Rider Education Program</i> 1340-1-11-.09 Tuition Fees	John Milliken Safety 275 Stewarts Ferry Pike Nashville, TN 37214 (615) 251-5296	April 29, 2005
12-16	Dec 28, 2004	0880 Medical Examiners	Rulemaking Hearing Rules	Amendment	<i>Chapter 0880-2</i> <i>General Rules and Regulations Governing the Practice of Medicine</i> 0880-2-.08 Examination	Robert J. Kraemer OGC 26 th Fl TN Twr 312th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 13, 2005

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFEC-TIVE DATE
12-17	Dec 28, 2004	0460 Dentistry	Rulemaking Hearing Rules	Amendments New Rule	<i>Chapter 0460-1 General Rules</i> 0460-1-.01 Definitions 0460-1-.02 Fees 0460-1-.05 Continuing Education and C.P.R. <i>Chapter 0460-2 Rules Governing the Practice of Dentistry</i> 0460-2-.06 Specialty Certification 0460-2-.07 Anesthesia and Sedation 0460-1-.18 Restraint of Pediatric and Special Needs Patients	Ernest Sykes, Jr. OGC 26 th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 13, 2005
12-18	Dec 28, 2004	0450 Professional Counselors, Marital and Family Therapists	Rulemaking Hearing Rules	Amendments	<i>Chapter 0450-2 General Rules Governing Marital and Family Therapists</i> 0450-2-.01 Definitions 0450-2-.10 Supervision	Richard F. Russell, Deputy OGC 26 th Fl TN Twr 312th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 13, 2005
12-19	Dec 28, 2004	1020 Examiners for Nursing Home Administrators	Rulemaking Hearing Rules	Amendments	<i>Chapter 1020-1 General Rules Governing Nursing Home Administrators</i> 1020-1-.15, Licensure Discipline, Civil Penalties, Informal Settlements, Assessment of Costs and Subpoenas	Ernest Sykes, Jr. OGC 26 th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 13, 2005
12-20	Dec 29, 2004	1150 Occupational and Physical Therapy Examiners	Rulemaking Hearing Rules	Amendment	<i>Chapter 1150-1 General Rules Governing the Practice of Physical Therapy</i> 1150-1-.04 Qualifications for Licensure	Nicole Armstrong OGC 26 th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 14, 2005
12-21	Dec 30, 2004	1700 Treasury Department Tennessee Baccalaureate Education System Trust Board	Proposed Rules	Amendments	<i>Chapter 1700-5-1 Tennessee Baccalaureate Education System Trust</i> 1700-5-1-.03 Contract Acceptance	Mary Krause OGC 10 th Fl AJ Bldg Nashville Tn 37243 615-741-7063	April 29, 2005

ANNOUNCEMENTS

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFEC-TIVE DATE
12-22	Dec 30, 2004	1700 Treasury Department Tennessee Baccalaureate Education System Trust Board	Proposed Rules	Amendments	<i>Chapter 1700-5-2</i> <i>Tennessee Baccalaureate Education System Trust</i> Educational Savings Plan 1700-5-2-.03 Contract Acceptance	Mary Krause OGC 10 th Fl AJ Bldg Nashville Tn 37243 615-741-7063	April 29, 2005
12-25	Dec 30, 2004	0870 TN Massage Licensure Board	Rulemaking Hearing Rules	Amendments	<i>Chapter 0870-1</i> <i>General Rules Governing Licensed Massage Therapists and Establishments</i> 0870-1-.02 Practice Standards and Inspection of Establishments 0870-1-.05 Establishment Licensure Process 0870-1-.06 Fees	Richard F. Russell OGC 26 th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Mar 14, 2005

THE TENNESSEE HEALTH SERVICES AND DEVELOPMENT AGENCY - 0720**NOTICE OF REVIEW CYCLE**

Applications will be heard at the February 23, 2005 Health Services and Development Agency Meeting (except as otherwise noted)

*Denotes applications being placed on the Consent Calendar.

+Denotes applications under simultaneous review.

This is to provide official notification that the Certificate of Need applications listed below have begun the review cycle effective December 1, 2004. The review cycle includes a 60-day period of review by the Tennessee Department of Health or the Department of Mental Health and Developmental Disabilities. Upon written request by interested parties the staff of The Health Services and Development Agency shall conduct a public hearing. *Certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a review less than 60 days including a 30-day period of review by the Department of Health or Department of Mental Health and Developmental Disabilities. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk.*

Pursuant to T.C.A., Section 68-11-1609(g)(1), any health care institution wishing to oppose a Certificate of Need must file a written objection with the Health Services and Development Agency and serve a copy on the contact person for the applicant no later than fifteen (15) days before the agency meeting at which the application is originally scheduled for consideration.

For more information concerning each application you may contact the Health Services and Development Agency at 615/741-2364.

NAME AND ADDRESS & DESCRIPTION

Methodist Healthcare – University Hospital
1265 Union Avenue
Memphis (Shelby County), TN CN0411-099
Contact Person: Jane Lucchesi, Director, Service Line Planning
Phone No. 901-516-0679

The renovation of 2,505 square feet of space, and new construction of 17,992 square feet for a total of 20,497 square feet to update and modernize the hospital's surgical suite. The project does not include major medical equipment nor does it affect the licensed bed capacity of the hospital.

\$ 8,515,283.00

Jellico Community Hospital, Inc.
1888 Hospital Lane
Jellico (Campbell County), TN
CN0411-100
Contact Person: Randy Reimer, CFO
Phone No. 423-784-1206

The conversion of an existing magnetic resonance imaging (MRI) service to a fixed unit and the initiation of a fixed MRI service to be housed in a modular building at Jellico Community Hospital.

\$ 2,222,991.00

NAME AND ADDRESS AND DESCRIPTION

Hickman Community Hospital
135 East Swan Street
Centerville (Hickman County), TN
CN0411-101
Contact Person: Robert M. Limyansky, Partner
Phone No. 770-394-8465 x 20

The initiation of magnetic resonance imaging (MRI) services one (1) day per week. The unit will be a leased 1.0 T GE Signa Horizon MRI unit.
\$ 503,550.00

Memorial North Park Hospital
2051 Hamill Road
Hixson (Hamilton County), TN
CN0411-102
Contact Person: Sandra Curtis, Director of Strategic Planning
Phone No. 423-495-8562

The initiation of mobile lithotripsy services at the hospital for one (1) day per week using leased FDA approved equipment with the ancillary and support services necessary for the operation of this service.
\$ \$255,700.00

Tennessee Sports Medicine Surgery Center
Crossings Circle
Mt. Juliet Road and Adams Lane
Mt. Juliet (Wilson County), TN
CN0411-103
Contact Person: William H. West, Attorney
Phone No. 615-726-5600

The establishment of an ambulatory surgical treatment center (ASTC) consisting of one (1) operating room and two (2) procedures rooms limited to providing ambulatory surgery and pain management services to the patients of Tennessee Sports Medicine & Orthopaedics, P.C.
\$ \$1,877,445.00

NAME AND ADDRESS AND DESCRIPTION

Intecardia-Tennessee East Catheterization, LLC
7205 Wolf River Parkway
Germantown (Shelby County), TN
CN0411-106
Contact Person: Kim Harvey Looney, Esq
Phone No. 615-5850-8722

The establishment of an outpatient diagnostic center (ODC) for an existing free-standing cardiac catheterization laboratory (as approved under Certificate of Need number CN0011-111A).
\$ 2,294,924.99

THE TENNESSEE DEPARTMENT OF TREASURY - 1700**ADDITIONAL INFORMATION FOR THE JANUARY 17, 2005
RULEMAKING HEARING**

The Department of Treasury properly filed a notice of rulemaking in the Department of State on the 30th day of November 2004 for the purpose of considering the promulgation of rules for the development of an assistance program for small and minority-owned businesses, as defined in T.C.A. § 65-5-112. The notice of rulemaking was published in the December 15, 2004 issue of the TAR and stated that the rulemaking hearing would take place in Room 29 of the Legislative Plaza, Nashville, Tennessee 37243 at 1:00 p.m. (Central Time) on the 17th day of January, 2005.

To afford interested parties with more time to comment on the proposed rules, the hearing will be held as stated, but will be reconvened again in Room 29 of Legislative Plaza, Nashville, Tennessee 37243 at 1:00 p.m. (Central Time) on the 18th day of January, 2005. Oral or written comments are invited on both hearing dates. In addition, written comments may be submitted and included in the hearing records if received at the following address by no later than 4:30 p.m. (Central Time) on January 21, 2005:

Mary Krause
General Counsel
Tennessee Treasury Department
10th Floor, Andrew Jackson State Office Building
Nashville, Tennessee 37243
(615) 741-7063

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EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

- 0800 - Department of Labor and Workforce Development - Division of Workers' Compensation - Emergency rules covering the procedures of assessment and appeal rights of penalties issued by the Workers' Compensation Division, chapter 0800-2-13 Penalty Program, 11 T.A.R. (November 2004) - Filed October 13, 2004; effective though March 27, 2005. (10-18)

- 1200 - Department of Health and Environment - Division of Superfund - Emergency rules providing standards for testing and cleaning clandestine drug manufacturing sites, chapter 1200-1-19 Standards for Testing and Cleaning Clandestine Drug Manufacturing Sites, 9 T.A.R. (September 2004) - Filed August 18, 2004; effective through January 30, 2005. (08-58)

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PROPOSED RULES

THE TENNESSEE DEPARTMENT OF SAFETY - 1340 DRIVER CONTROL DIVISION

CHAPTER 1340-1-11 TENNESSEE MOTORCYCLE RIDER EDUCATION PROGRAM

Presented herein is a proposed amendment of the Department of Safety submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Safety to promulgate this rule without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the Tennessee Administrative Register in which the proposed rule is published. Such petition to be effective must be filed with the Department of Safety Legal Division, 1150 Foster Ave. Nashville, Tennessee 37249-1000, and in the Department of State, Publication Division, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tower, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Deborah Martin, Staff Attorney, Tennessee Department of Safety Legal Division, 1150 Foster Avenue, Nashville, TN, 37249, 615-251-5296.

The text of the proposed amendment is as follows:

AMENDMENT

Rule 1340-1-11-.09 Tuition Fees is amended by deleting paragraph (1) in its entirety and substituting a new paragraph, so that, as amended, the paragraph shall read:

- (1) A sponsor may charge reasonable fees to cover the costs of conducting a rider-training program. The total fees charged shall not exceed two hundred fifty dollars (\$250.00) per student, per basic rider training course, and one hundred fifty dollars (\$150.00) per participant, per experienced rider training course.

Authority: *T.C.A. §§55-51-102 and 55-51-104.*

The proposed rules set out herein were properly filed in the Department of State on the 15th day of December, 2004, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29th day of April, 2005. (12-11)

**THE TENNESSEE DEPARTMENT OF SAFETY - 1340
TENNESSEE HIGHWAY PATROL**

**CHAPTER 1340-3-4
MUNICIPAL ENFORCEMENT OF RULES OF THE ROAD**

Presented herein are proposed rules of the Department of Safety submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Safety to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the Tennessee Administrative Register in which these proposed rules are published. Such petition to be effective must be filed with the Department of Safety Legal Division, 1150 Foster Ave., Nashville, Tennessee 37249-1000, and in the Department of State, Publication Division, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tower, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed rules contact: Deborah Martin, Staff Attorney, Tennessee Department of Safety, Legal Division, 1150 Foster Avenue, Nashville, TN, 37249, 615-251-5296.

The text of the proposed rules is as follows:

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1340-3-4-.01 Purpose	1340-3-4-.07 Egress and Ingress
1340-3-4-.02 Definitions	1340-3-4-.08 Clearly Identified Vehicles
1340-3-4-.03 Local Authorization	1340-3-4-.09 Certified Speed Detection Equipment
1340-3-4-.04 Listing of Highways	1340-3-4-.10 Certified Peace Officers
1340-3-4-.05 Annual Enforcement Notice	1340-3-4-.11 General Pursuit Policy
1340-3-4-.06 Crash Investigation	1340-3-4-.12 Assistance

1340-3-4-.01 PURPOSE.

- (1) To provide the Department of Safety with information about the enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less and to establish terms for the manner and method of enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.02 DEFINITIONS.

- (1) Commissioner means the Commissioner of the Tennessee Department of Safety.
- (2) Department means the Tennessee Department of Safety.
- (3) Interstate highways mean the Dwight D. Eisenhower national system of interstate and defense highways.
- (4) Municipality means a city or town properly incorporated as a municipal corporation with a population of

10,000 or less according to the 2000 Decennial census or any subsequent census.

- (5) Municipal law enforcement agency means the police department of a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.
- (6) Chief law enforcement officer means the chief, director, or the highest ranking officer known by any other title of a municipal law enforcement agency in a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.03 LOCAL AUTHORIZATION.

- (1) A municipal law enforcement agency shall not enforce rules of the road on interstate highways unless the legislative body of the municipality authorizes such enforcement. An ordinance or resolution authorizing enforcement of rules of the road, if approved, shall be submitted to the Commissioner. Once an ordinance or resolution is received by the Commissioner, the ordinance or resolution shall be maintained on file by the Department and shall satisfy the requirement of this section unless and until a subsequent resolution or ordinance repealing such authorization is submitted to the Commissioner.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.04 LISTING OF HIGHWAYS.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner a listing of interstate highways within the municipality's law enforcement jurisdiction.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.05 ANNUAL ENFORCEMENT NOTICE.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner notification of a municipal law enforcement agency's intent to enforce rules of the road on interstate highways. Such notification shall be made on or before January 1 of each year and shall include, at a minimum:
 - (a) A statement indicating the anticipated frequency of enforcement activities expressed as the anticipated number of hours per week in which the municipal law enforcement agency will have one or more officers engaged in enforcement of the rules of the road on interstate highways.
 - (b) A statement indicating whether enforcement efforts will include active patrols or other methods of enforcement.
 - (c) A statement that all officers engaged in enforcement of the rules of the road have read, understand, and will follow the General Orders listed herein and addendums thereto issued by the Tennessee Highway Patrol to ensure their safety, the safety of the public, and to ensure uniform enforcement procedures and standards:

G.O. # 405 – Traffic Direction and Control
G.O. # 411 – Pursuit Driving; Routine and Emergency Operations of the
Patrol Vehicle
G.O. # 412 – The Use of Tire Deflation Devices
G.O. # 415 – Motorcycle Operations
G.O. # 430 – Traffic Crash Investigations
G.O. # 501 – Enforcement Policy and Professional Conduct
G.O. # 505 – Stop and Approach
G.O. # 506 – Profiling
G.O. # 513 – Vehicle Inventory and Searches
G.O. # 520 – Uniform Citations
G.O. # 521 – Use of a Warning Ticket
G.O. # 547 – Audio/Video Recording Equipment
G.O. # 555 – Speed Measurement
G.O. # 710 – Use and Investigation of Deadly Force Incidents
G.O. # 730 – Maintenance, Assignment and Inventory of Radar
Equipment

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.06 CRASH INVESTIGATION.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall have authority to assist motorists and investigate crashes on such highways to the fullest extent that resources permit.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.07 EGRESS AND INGRESS.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize established and clearly marked points of egress and ingress and may use restricted emergency vehicle turnarounds to change direction on divided highways. A municipal law enforcement agency enforcing the rules of the road on interstate highways shall not drive across a median to change direction on a divided highway unless responding to a crash or other incident in which injury or death of motorists, bystanders, or law enforcement personnel is suspected to have occurred, has occurred, or seems likely to occur.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.08 CLEARLY IDENTIFIED VEHICLES.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize only clearly marked law enforcement vehicles and shall not utilize unmarked law enforcement vehicles.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.09 Certified Speed Detection Equipment.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways, to the extent that speed detection equipment is used, shall utilize speed detection equipment tested and certified by the International Association of Chiefs of Police (IACP). Refer to paragraph 2 below for radar speed-measuring device models meeting the minimum performance specifications as published by the National Highway Traffic Safety Administration (NHTSA) of the USDOT. The requirements of General Order numbers 555 and 730 must be adhered to in checking, maintaining and testing such devices. A certified radar technician must also recertify this equipment annually pursuant to the manufacturer's recommendations. The operator of such equipment must also be certified and recertified annually on the use and operation of the speed detection equipment pursuant to the certification requirements of General Order number 555.
- (2) Refer to the following web sites for speed detection equipment models:
<http://www.theiacp.org/profassist/RadarCPL/pdf> List (Authorized). <http://www.theiacp.org/profassist/viewcpl.html> Lidar (Authorized Laser).
<http://www.theiacp.org/profassist/IACPATRRadarModule6104R1.pdf>
Across-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPDTRRadarModule6104R1.pdf>
Down-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPLidarModule6104R1.pdf> Lidar (laser) speed-measuring devices.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.10 Certified Peace Officers.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall permit only properly certified peace officers to

enforce rules of the road. No reserve officer, part-time officer, or other uncertified peace officer may enforce rules of the road on interstate highways.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.11 General Pursuit Policy.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall be familiar with and abide by the Department's general pursuit policy or, in the alternative, a municipal law enforcement agency may abide by a local pursuit policy that is at least as restrictive as the Department's general pursuit policy. Any local law enforcement agency utilizing its own pursuit policy shall be responsible for determining if the local pursuit policy is at least as restrictive as the Department's general pursuit policy.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.12 Assistance.

- (1) In the case of any response, incident, or enforcement activity involving the State Highway Patrol or any other state law enforcement personnel, a municipal law enforcement agency shall assist or support the State Highway Patrol or any other state law enforcement personnel only to the extent requested by the State Highway Patrol or any other state law enforcement agency. The municipal law enforcement agency shall assume a supporting role, unless otherwise requested, regardless of whether the initial response, incident, or enforcement activity was initiated by the municipal law enforcement agency, or by the State Highway Patrol or any other state law enforcement agency.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

The proposed rules set out herein were properly filed in the Department of State on the 6th day of December, 2004, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29th day of April, 2005. (12-02)

THE TREASURY DEPARTMENT - 1700
TENNESSEE BACCALAUREATE EDUCATION SYSTEM TRUST BOARD

CHAPTER 1700-5-1
TENNESSEE BACCALAUREATE EDUCATION SYSTEM TRUST

Presented herein is a proposed amendment of the Board of Trustees of the Tennessee Baccalaureate Education System Trust submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Board to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed in the Treasury Department, Division of the Tennessee Baccalaureate Education System Trust, Ninth Floor, Andrew Jackson State Office Building located at Fifth and Deaderick, Nashville, Tennessee 37243, and in the Publications Division of the Department of State, Eighth Floor, William R. Snodgrass Tower, Eighth Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendment, contact: Mary Krause, General Counsel, Tennessee Treasury Department; 10th Floor, Andrew Jackson State Office Building; Nashville, Tennessee 37243; (615) 741-7063.

The text of the proposed amendment is as follows:

AMENDMENTS

1700-5-1-.03 Contract Acceptance is amended by deleting from paragraph (1)(c) the words and punctuation “money orders, and payments made through payroll deductions or other similar methods acceptable to the Board” and by substituting instead the figures and words “(other than travelers checks, cashiers checks, starter checks and credit card convenience checks), and payments made through payroll deductions or other similar methods acceptable to the State Treasurer” so that, as amended, the paragraph shall read:

- (c) Purchase Price. Receipt by the Board of the purchase price for at least one (1) tuition unit as consideration for the signed contract. All purchases of tuition units hereunder may be made only in cash and not in property. For purposes of these Rules, "cash" means United States dollars in the form of negotiable checks (other than travelers checks, cashiers checks, starter checks and credit card convenience checks), and payments made through payroll deductions or other similar methods acceptable to the State Treasurer; and

Authority: T.C.A. §§ 49-7-805(16), 49-7-802(4), 49-7-802(11), 49-7-804(g), 49-7-805(17), 49-7-806, 49-7-807, and 49-7-809.

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of December, 2004, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29th day of April, 2005. (12-21)

**THE TREASURY DEPARTMENT - 1700
TENNESSEE BACCALAUREATE EDUCATION SYSTEM TRUST BOARD**

**CHAPTER 1700-5-2
TENNESSEE BACCALAUREATE EDUCATION SYSTEM TRUST
EDUCATIONAL SAVINGS PLAN**

Presented herein is a proposed amendment of the Board of Trustees of the Tennessee Baccalaureate Education System Trust submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Board to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed in the Treasury Department, Division of the Tennessee Baccalaureate Education System Trust, Ninth Floor, Andrew Jackson State Office Building located at Fifth and Deaderick, Nashville, Tennessee 37243, and in the Publications Division of the Department of State, Eighth Floor, William R. Snodgrass Tower, Eighth Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendment, contact: Mary Krause, General Counsel, Tennessee Treasury Department; 10th Floor, Andrew Jackson State Office Building; Nashville, Tennessee 37243; (615) 741-7063.

The text of the proposed amendment is as follows:

AMENDMENTS

1700-5-2-.03 Contract Acceptance is amended by deleting from paragraph (1)(c) the figures and words “(other than third party checks exceeding \$10,000.00), money orders, and payments made through payroll deductions or other similar methods acceptable to the Board” and by substituting instead the figures and words “(other than travelers checks, cashiers checks, starter checks and credit card convenience checks), and payments made through payroll deductions or other similar methods acceptable to the State Treasurer” so that, as amended, the paragraph shall read:

- (c) Initial Contribution. Receipt by the Board of an initial contribution of at least twenty-five dollars (\$25.00) as consideration for the signed Contract. All contributions to an educational savings account hereunder may be made only in cash and not in property. For purposes of these Rules, “cash” means United States dollars in the form of negotiable checks (other than travelers checks, cashiers checks, starter checks and credit card convenience checks), and payments made through payroll deductions or other similar methods acceptable to the State Treasurer; and

Authority: T.C.A. §§49-7-805(16), 49-7-802(3), 49-7-802(11), 49-7-804(g), 49-7-805(17), 49-7-806, 49-7-808, and 49-7-809.

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of December, 2004, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29th day of April, 2005. (12-22)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT (SEE T.A.R. CITED)

- 0180 - Department of Financial Institutions - Compliance Division - Public necessity rules pertaining to mortgage lending, loan servicing and loan brokering, rule 0180-17-1-.10 Fees, 10 T.A.R. (October 2004) - Filed September 29, 2004; effective through March 13, 2005. (09-26)
- 1200 - Department of Health - Community Services Division - Public necessity rule pertaining to Conrad J-1 Visa Waiver physicians, Chapter 1200-20-11 Rules and Regulations Governing the State Conrad J-1 Visa Waiver Program, 11 T.A.R. (November 2004) - Filed October 22, 2004; effective through April 5, 2005. (10-39)
- 1540 - TN Higher Education Commission - Public necessity rules relative to the waiver of tuition and fees for state employees, chapter 1540-1-4 Public Higher Education Fee Waivers for State Employees, 9 T.A.R. (September 2004) - Filed August 31, 2004; effective through February 12, 2005. (08-79)
- 1540 - TN Higher Education Commission - Public necessity rules relative to the fee discounts for children of licensed public school teachers and state employees, chapter 1540-1-5 Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees, 9 T.A.R. (September 2004) - Filed August 31, 2004; effective through February 12, 2005. (08-81)
- 1640 - TN Student Assistance Corporation - Public necessity rules providing changes to Tennessee Code Annotated Title 49, Chapter 4, Part 9, chapter 1640-1-19 Tennessee Education Lottery Scholarship Program, 11 T.A.R. (November 2004) - Filed October 21, 2004; effective April 4, 2005. (10-38)

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RULEMAKING HEARINGS

THE TENNESSEE BOARD OF ELECTROLYSIS EXAMINERS - 0540

There will be a hearing before the Tennessee Board of Electrolysis Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-26-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 4th day of April, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247 1010, (615) 532 4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 0540-1-.02, Scope of Practice, is amended by adding the following language as new paragraph (5):

- (5) All electrologists and electrology instructors shall comply with the American Electrology Association's Infection Control Standards for the Practice of Electrology, and as they may from time to time be amended, except to the extent that they conflict with the laws of the state of Tennessee or the rules of the Board. If there are conflicts with state law or rules, the state law or rules govern the matter. Failure to comply may subject a licensee to disciplinary action pursuant to Rule 0540-1-.15. The American Electrology Association's Infection Control Standards for the Practice of Electrology can be viewed at www.electrology.com/standards.htm.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-26-108, and 63-26-123.

Rule 0540-1-.04, Qualifications for Licensure, is amended by deleting parts (1) (c) (2) and (2) (b) 2. in their entirety and substituting instead the following language, so that as amended, the new parts (1) (c) (2) and (2) (b) 2. shall read:

- (1) (c) 2. Successful completion of an electrology education program approved by the Board. The electrology training curriculum must have been at least 600 hours (175 theory and 425 clinical practice pursuant to Rule 0540 3 .04). Additionally, the electrology training must have been completed within a twelve (12) month time frame from the date started, and must have been completed prior to taking the practical examination described in Rule 0540-1-.08; and
- (2) (b) 2. Successful completion of at least six hundred (600) hours of electrology practice, under the direct supervision of a dermatologist and pursuant to T.C.A. § 63 26 111. Such training must have been completed within a twelve (12) month time frame from the date started, and must have been completed prior to taking the practical examination described in Rule 0540-1-.08:

Authority: T.C.A. §§4-5-202, 4-5-204, 63-26-108, 63-26-111, 63-26-113, and 63-26-119.

The notice of rulemaking set out herein was properly filed in the Department of State on the 14th day of December, 2004. (12-08)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL**

There will be four public hearings before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at these hearings will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq.

The first hearing will take place in Room 1A of the Development Resource Center located at 1250 Market Street, Chattanooga, TN on February 22, 2005, at 9:30 a.m. The second hearing will take place in the auditorium of the Knox County Health Department, 140 Dameron Ave, Knoxville, TN on February 22, 2005, at 6:30 p.m. The third hearing will take place in Room B of the West Tenn. Agriculture Experiment Station, 605 Airways Blvd, Jackson, TN on February 24, 2005, at 6:30 p.m. The fourth hearing will take place in the auditorium of the Fleming Training Center, 2022 Blanton Drive, Murfreesboro, TN on February 28, 2005, at 6:30 p.m.

Written comments will be included in the hearing records if received by the close of business on March 11, 2005 at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to February 22, 2005 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Lacey Hardin at 615-532-0545. For complete copies of the text of the notice, please contact Lida Galbreath, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

SUMMARY OF PROPOSED RULES

CHAPTER 1200-3-9 CONSTRUCTION AND OPERATING PERMITS

AMENDMENTS

Rule .01 of chapter 1200-3-9 Construction and Operating Permits is amended by substituting for the present paragraph a different paragraph so that, as amended, the resulting paragraph shall be as described in the following summary:

The new draft rule 1200-3-9-.01 was prepared based on the existing rule 1200-3-9-.01 and the federal rulemaking revisions to 40 CFR 51.166 published in the Federal Register, December 31, 2002; with revisions published March 10, 2003 and November 7, 2003. In addition, some parts of this draft have been revised to reflect other changes made to the federal regulations but not yet adopted by Tennessee. This draft does not address changes to the federal regulations concerning the routine maintenance, repair, and replacement provisions that were stayed by the United States Court of Appeals for the District of Columbia Circuit. More information on the administrative stay can be obtained from the July 1, 2004 Federal Register notice. This rule presents the construction permit requirements for new sources of air pollution and modifications at existing sources of air pollution. No changes have been made to paragraph (1) of this rule. Some revisions and additions have been made to the definitions in paragraph (2) of rule 1200-3-9-.01, subparagraph (b) of paragraph 1200-3-9-.01(4), and part 1. of subparagraph 1200-3-9-.01(5)(b) for clarification and agreement with the definitions in the federal regulations found at 40 CFR 51.165 and 40 CFR 51.166. Paragraph (3) of this rule remains reserved.

The major New Source Review (NSR) requirements of paragraphs (4) and (5) of rule 1200-3-9 apply to new major sources of air pollution and major modifications. Paragraph (4) applies to sources that are subject to the Prevention of Significant Deterioration (PSD) provisions in 40 CFR 51.166. Paragraph (5) applies to sources that are subject to the provisions in 40 CFR 51.165, new source review in non-attainment areas. New major sources and major modifications at existing major sources must utilize Best Available Control Technology (BACT) for pollutants for which the area is in attainment with the National Ambient Air Quality Standards (NAAQS) and Lowest Achievable Emissions Rate (LAER) for pollutants for which the area is not in attainment with the NAAQS. The main requirements for sources subject to major new source review are pre-construction monitoring, determination of BACT, pollutant modeling for increment analysis, and post-construction ambient monitoring.

The December 31, 2002 federal rulemaking affects only major modifications, not new major sources. This draft rule differs from the federal rulemaking as follows:

1. The definition of "baseline actual emissions," found in part 1200-3-9-.01(4)(b)45. and sub-part 1200-3-9-.01(5)(b)1.(xlvii), was changed to remove the provision allowing different consecutive 24-month periods for different pollutants.
2. Hazardous air pollutants were specifically added to the environmentally beneficial analysis requirement for Pollution Control Projects (PCP's) found at 1200-3-9-.01(4)(r)2.(i) and 1200-3-9-.01(5)(b)9.(ii)(I).
3. The Technical Secretary is given the authority to deny the PCP exclusion to a listed project if evidence is available that the proposed project does not meet the requirements of the environmentally beneficial analysis and air quality analysis.
4. If a pollution control project will cause a significant net increase of a pollutant for which the area in which the project will be located is non-attainment or significantly impacts a non-attainment area for that pollutant, the owner or operator must obtain offsets for emissions of that pollutant.

The first major proposed change to this rule 1200-3-9-.01 includes modifications to the method in which the owner and/or operator of an existing major source determines the baseline actual emissions from the facility that will be used to determine if a modification must undergo major new source review. Under the existing paragraphs 1200-3-9-.01(4) and (5), when determining the baseline actual emissions the owner and/or operator is required to use the average of the annual emissions for the two consecutive years immediately preceding the project. The proposed paragraphs 1200-3-9-.01(4) and (5) allow the owner and/or operator to use the average of any 24 consecutive months in the past ten (10) years as the baseline actual emissions.

The second major proposed change to this rule 1200-3-9-.01 allows the owner and/or operator to compare the past actual baseline emissions to the projected future actual emissions following the modification. Under the existing rule 1200-3-9-.01, the comparison was required to be between the past actual baseline emissions and the future potential emissions.

The third major proposed change to this rule 1200-3-9-.01, found in subparagraph (s) of paragraph (4) and part 10. of subparagraph (5)(b), allows a facility to assume a Plantwide Applicability Limitation (PAL). "Plantwide applicability limitation (PAL)" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with parts 1200-3-9-.01(4)(s)1. through 15. and sub-parts 1200-3-9-.01(5)(b)10.(i) through (xv).

The fourth major proposed change to this rule 1200-3-9-.01, found in subparagraphs (p) and (q) of paragraph (4) and parts 7. and 8. of subparagraph (5)(b), provides for a "Clean Unit" designation. "Clean Unit" means any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to subparagraph (p) of this paragraph; or any emissions unit that has been designated by the Technical Secretary as a Clean Unit, based on the criteria in sub-parts (q)3.(i) through (iv) of paragraph (4) or items 8.(iii)(I) through (IV) of subparagraph (5)(b), using a plan-approved permitting process.

The fifth major proposed change to this rule 1200-3-9-.01, found in subparagraph (r) of paragraph (4) and part 9. of subparagraph (5)(b), provides a "Pollution Control Project" exclusion. A "Pollution control project (PCP)" means any activity, set of work practices or project (including pollution prevention) undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. The proposed rule provides a list of projects that automatically unless they cannot meet the environmentally beneficial analysis. Projects not listed may qualify for a case-specific PCP exclusion.

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of December, 2004. (12-26)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL**

There will be four public hearings before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at these hearings will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq.

The first hearing will take place in Room 1A of the Development Resource Center located at 1250 Market Street, Chattanooga, TN on February 22, 2005, at 9:30 a.m. The second hearing will take place in the auditorium of the Knox County Health Department, 140 Dameron Ave, Knoxville, TN on February 22, 2005, at 6:30 p.m. The third hearing will take place in Room B of the West Tenn. Agriculture Experiment Station, 605 Airways Blvd, Jackson, TN on February 24, 2005, at 6:30 p.m. The fourth hearing will take place in the auditorium of the Fleming Training Center, 2022 Blanton Drive, Murfreesboro, TN on February 28, 2005, at 6:30 p.m.

Written comments will be included in the hearing records if received by the close of business on March 11, 2005 at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to February 22, 2005 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Lacey Hardin at 615-532-0545. For complete copies of the text of the notice, please contact Lida Galbreath, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-3-11
HAZARDOUS AIR CONTAMINANTS**

AMENDMENTS

Subparagraph (s) of paragraph (3) of rule 1200-3-11-.01 General Provisions is amended by substituting for the present subparagraph a different subparagraph so that, as amended, the resulting subparagraph shall read:

- (s) “Volatile organic compounds (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
 - 1. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride

(dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFI-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n-C_3F_7OCH_3$, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
 - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
2. For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in the approved State implementation plan (SIP) or 40 CFR part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibility reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Technical Secretary.
 3. As a precondition to excluding these compounds as VOC or at any time thereafter, the Technical Secretary may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Technical Secretary, the amount of negligibly reactive compounds in the source's emissions.
 4. For purposes of enforcement for a specific source, the test methods specified in these regulations, in the approved SIP, or in a permit issued pursuant to these regulations shall be used.

5. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

Authority: *T.C.A. §§68—25—105 and 4—5—202.*

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of December, 2004. (12-23)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL**

There will be four public hearings before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at these hearings will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq.

The first hearing will take place in Room 1A of the Development Resource Center located at 1250 Market Street, Chattanooga, TN on February 22, 2005, at 9:30 a.m. The second hearing will take place in the auditorium of the Knox County Health Department, 140 Dameron Ave, Knoxville, TN on February 22, 2005, at 6:30 p.m. The third hearing will take place in Room B of the West Tenn. Agriculture Experiment Station, 605 Airways Blvd, Jackson, TN on February 24, 2005, at 6:30 p.m. The fourth hearing will take place in the auditorium of the Fleming Training Center, 2022 Blanton Drive, Murfreesboro, TN on February 28, 2005, at 6:30 p.m.

Written comments will be included in the hearing records if received by the close of business on March 11, 2005 at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to February 22, 2005 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Lacey Hardin at 615-532-0545. For complete copies of the text of the notice, please contact Lida Galbreath, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-3-18
VOLATILE ORGANIC COMPOUNDS**

AMENDMENTS

Chapter 1200-3-18 is amended in the following two respects:

Paragraph (26) of rule 1200-3-18-.01 Definitions is amended by substituting for the present paragraph a different paragraph so that, as amended, the resulting paragraph shall read:

- (26) "Exempt compounds" means any of the following compounds:
- (a) Carbon monoxide; carbon dioxide; carbonic acid; metallic carbides and carbonates; ammonium carbonate; methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethyl fluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane ($n-C_3F_7OCH_3$, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); and methyl formate (HCOOCH₃)
 - (b) Perfluorocarbon compounds which fall into these classes:
 1. Cyclic, branched, or linear, completely fluorinated alkanes
 2. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 3. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- (c) The following compound(s) are not exempt for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are exempt for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

Authority: T.C.A. §§4-5-201 et.seq., 4-5-202, and 68-201-105.

Paragraph (88) of rule 1200-3-18-.01 Definitions is amended by substituting for the present paragraph a different paragraph so that, as amended, the resulting paragraph shall read:

- (88) “Volatile organic compounds (VOC) means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
- (a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n-C_3F_7OCH_3$, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); and perfluorocarbon compounds which fall into these classes:
1. Cyclic, branched, or linear, completely fluorinated alkanes;
 2. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 3. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- (b) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in the approved State implementation plan (SIP) or 40 CFR part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibility reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Technical Secretary.
- (c) As a precondition to excluding these compounds as VOC or at any time thereafter, the Technical Secretary may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Technical Secretary, the amount of negligibly reactive compounds in the source's emissions.
- (d) For purposes of enforcement for a specific source, the test methods specified in these regulations, in the approved SIP, or in a permit issued pursuant to these regulations shall be used.
- (e) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

Authority: T.C.A. §§4-5-201 et.seq., 4-5-202, and 68-201-105.

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of December, 2004. (12-24)

**THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF UNDERGROUND STORAGE TANKS**

The Tennessee Petroleum Underground Storage Tank Board will hold public hearings to receive comments concerning amendments to the Rules of the Department of Environment and Conservation Division of Underground Storage Tanks Chapter 1200-1-15 Underground Storage Tank program pursuant to T.C.A. § 68-215-113. These hearings will be conducted as prescribed by the Uniform Administrative Procedures Act T.C.A. § 4-5-201 et. seq.

The first such hearing will take place in the Ayers Auditorium in the McWherter Center at Jackson State Community College, 2046 North Parkway (Highway 412), Jackson, Tennessee at 9:00 A.M. CST on Wednesday, February 23, 2005.

The second hearing will take place in the 17th Floor Conference Room at the L & C Tower, 401 Church Street, Nashville, Tennessee at 10:00 A.M. CST on Thursday, February 24, 2005.

The third hearing will take place in the auditorium at the Knox County Health Department, 140 Dameron Avenue, Knoxville 37917 at 10:00 A.M. EST on Tuesday, March 1, 2005.

Written comments will be considered if received by close of business, March 15, 2005, at the office of the Technical Secretary, Tennessee Petroleum Underground Storage Tank Board, 4th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1531.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to the date of the hearing or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation Kim McCrary, ADA Coordinator, 12th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-0437, 615-532-0211.

For complete copies of the text of the notice, please contact Donna Washburn, Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks, 4th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1531, 615-532-0987. Copies may also be obtained at the Environmental Assistance Centers for the Department of Environment and Conservation, which can be reached by calling 1-888-891-TDEC(8332). The notice and copies of the proposed rules are posted on the web site for the Division of Underground Storage Tanks, <http://www.state.tn.us/environment/ust>.

SUBSTANCE OF PROPOSED RULES

The Table of Contents for Chapter 1200-1-15 is amended by deleting the name of rule 1200-1-15-.06 and replacing it with “Petroleum Release Response, Remediation and Risk Management”.

Paragraph (3) Definitions of rule 1200-1-15-.01 Program Scope and Minimum Requirements for Tanks is amended by deleting the subparagraph (c) “Asymptotic level” in its entirety and by inserting the following definitions in alphabetical order and renumbering the definitions accordingly:

“Chemicals of concern” means those chemicals that have been designated as such by the Division in a chemicals of concern list. The chemicals of concern shall be chemicals that are constituents of or result from the degradation of petroleum product(s) and/or additives released from regulated petroleum underground storage tanks. The list will include those chemicals with the highest risk to human health and/or the environment. The chemicals of concern for diesel fuel will be different from the chemicals of concern for gasoline.

“Engineering control” means a modification to a site to reduce or eliminate the potential for migration of, and exposure to, chemicals of concern. An engineering control can be used to eliminate a pathway to reduce future risk. Engineering controls may include, but are not limited to: physical or hydraulic control measures, caps, liners, point-of-use treatments, slurry walls or vapor barriers.

“Exposure pathway” means the course a chemical(s) of concern takes from a source area(s) to a receptor. Each exposure pathway includes a source area(s), a point of exposure, and an exposure route, and usually a transport/exposure medium or media.

“Guidance” means written guidelines and/or guidance documents provided by the Division. Such guidance is not mandatory, but provides information and instruction for achieving regulatory compliance. Other approaches to achieving regulatory compliance may be used in lieu of guidance provided by the Division, if those other approaches are proposed, in writing, by tank owners and/or operators for review and approval by the Division prior to implementation.

“Impacted drinking water” means a water supply that contains chemicals of concern at levels that do or potentially may place human health at risk and that is being used for human consumption, and/or other human domestic use including, but not limited to, bathing, cooking, and dishwashing.

“Institutional control” means a legal means of limiting exposure to chemicals of concern at a petroleum site with a confirmed release of petroleum.

“Monitoring well” means a hole drilled into the earth, by boring or otherwise, constructed for the primary purpose of obtaining information on the elevation or physical, chemical, radiological or biological characteristics of the ground water and/or for the recovery of ground water for treatment.

“Receptor” means a person, structure, surface water body, or drinking water supply that receives or may potentially receive exposure to a chemical of concern as the result of a petroleum release.

“Risk Based Cleanup Level” means the concentration of a chemical(s) of concern in soils or groundwater in the source area(s) that will assure an acceptable risk at the point of exposure, based upon conservative non-site-specific assumptions and default parameters.

“Site Specific Cleanup Level” means the concentration of a chemical(s) of concern in soils or groundwater in the source area(s) that will assure an acceptable risk at the point of exposure, based upon site specific conditions.

“Source” means the source of contamination. Sources may include, but are not limited to, a leaking tank, a leaking underground storage tank system, a spill, an overfill, free product or residual contaminated soil or ground water.

Authority: *T.C.A. §§68-215-101 et. seq., 68-53-107, 68-53-113 and 4-5-201 et. seq.*

Paragraph (3) Notification requirements of rule 1200-1-15-.02 UST Systems: Design, Construction, Installation and Notification is amended as follows:

Subparagraph (a) is amended by deleting “prescribed in Appendix 1 of this rule” in the second sentence and replacing it with “designated by the division”.

The bracketed [Note:...] following subparagraph (a) is deleted in its entirety.

Subparagraph (b) is amended by deleting “in Appendix 1 of this rule” and replacing it with “designated by the division”.

Subparagraph (d) is deleted in its entirety and the following subparagraphs are redesignated accordingly.

Subparagraph (f) (which will be redesignated as subparagraph (e)) is amended by deleting “rule 1200-1-15-.02(1)(d) and replacing it with “part (1)(d)1. of this paragraph”.

Subparagraph (g) (which will be redesignated as subparagraph (f)) is amended by deleting “rule 1200-1-15-.02(3). The form provided in Appendix 2 may be used to comply with this requirement.” And replacing it with “this paragraph.”

Subparagraph (h) (which will be redesignated as subparagraph (g)) is amended by deleting the second sentence and replacing it with the following sentence: "This includes but is not limited to changes in ownership of the tanks, changes in ownership of the petroleum site, upgrading or replacement of tanks, changes in mailing address, and changes in service."

Subparagraph (h) (which will be redesignated as subparagraph (g)) is further amended by deleting "provided in Appendix 3" and replacing it with "designated by the division".

A new Subparagraph (h) (under the redesignation of subparagraphs) shall be added as follows:

(h) Owner And/Or Operator Self-Audit And Compliance Notification Form.

1. Upon receipt of written notice from the division, the tank owner and/or operator shall complete and submit an Owner and/or Operator Self-Audit And Compliance Notification form to the division in a format established by the division, in accordance with guidance provided by the division and in accordance with a schedule established by the division. For each facility, the tank owner and/or operator shall submit the required notification form:

(i) The notification form shall be completed accurately and each applicable section shall be completed in its entirety.

(ii) The notification form shall include the results of a self-audit performed by the tank owner and/or operator after receipt of notice from the division. The self-audit shall include but not be limited to:

(I) An inspection of all accessible underground storage tank equipment regulated by this chapter;

(II) An audit of all records pertaining to:

I. Release detection,

II. Corrosion protection,

III. Spill and overfill, and

IV. Repairs and/or maintenance of the underground storage tank systems including ancillary equipment.

2. Self-Audit Response Notice.

(i) Upon receipt of a Self-Audit Response Notice, the tank owner and/or operator shall submit such information and/or documentation as is necessary to remedy any incorrect information in the Self-Audit Response Notice and/or to return to compliance.

(ii) The tank owner and/or operator shall meet the compliance deadlines set forth in the Self-Audit Response Notice.

(iii) The tank owner and/or operator shall submit the information specified in the Self-Audit Response Notice which is necessary to verify a return to compliance.

- (iv) The tank owner and/or operator may submit a request for an extension of the compliance deadlines established by the division. Said request shall include a justification statement and a proposed new deadline.
3. Authorized signature.
 - (i) Forms required by this paragraph shall be signed by the tank owner, the tank operator and/or by an authorized representative of either the tank owner and/or operator.
 - (ii) The person signing the notification form shall have personal knowledge of the status of compliance at the facility and shall have the legal authority to bring a non-compliant UST systems into compliance.
 4. The division shall not issue a petroleum underground storage tank certificate to any facility for which the required Owner And/Or Operator Self-Audit And Compliance Notification Form has not been submitted.

Authority: *T.C.A. §68-215-107 et seq. and T.C.A. §4-5-201 et seq.*

Rule 1200-1-15-.06 Release Response And Corrective Action For UST Systems Containing Petroleum is amended by deleting the rule in its entirety and replacing it with the following

1200-1-15-.06 PETROLEUM RELEASE RESPONSE, REMEDIATION AND RISK MANAGEMENT.

- (1) General requirements.
 - (a) Owners and/or operators of petroleum UST systems shall, in response to a confirmed release from a UST system, comply with the requirements of this rule. A petroleum site owner who elects to perform release response activities shall comply with the requirements of this rule to receive authorized disbursements from the fund in accordance with rule 1200-1-15-.09(7)(a).
 - (b) Field activities and environmental data. During the course of responding to the release, conducting remediation, and/or managing risk, a tank owner and/or operator shall comply with the following:
 1. Notice of Field Activities.
 - (i) Tank owners and/or operators shall notify the division at least one (1) working day in advance of any routine field activity. Routine field activities include, but are not limited to, placement of soil borings, construction of monitoring wells, sample collection events, field surveys, such as water use surveys or land use surveys, installation and/or start-up of treatment systems.
 - (ii) Tank owners and/or operators shall notify the division by no later than one (1) working day after any non-routine field activity, such as emergency response activities.
 2. Soil borings and/or monitoring wells shall be drilled, converted to monitoring wells and/or abandoned in accordance with guidance provided by the division.

3. Environmental samples.
 - (i) Samples shall be collected, labeled, handled, and transported in accordance with guidance and instructions provided by the division. Samples shall satisfy any requirements specific to the required laboratory method that is used to analyze the samples.
 - (ii) Samples shall be analyzed using a method recognized by the United States Environmental Protection Agency or another method that has been approved by the division prior to the analysis.
 - (iii) Sample analysis reports submitted to the division shall be original documents unless otherwise specified by the division. Such reports shall include, but not be limited to, the following information:
 - (I) The facility identification number assigned to the UST facility by the division;
 - (II) The sampling point, including depth and the unique combination of letters or numbers assigned to the boring or monitoring well at the time that boring or well was installed;
 - (III) The sample collection date;
 - (IV) The date the sample analysis was completed;
 - (V) The analytical method, including the detection limit for the method, utilized to analyze the sample;
 - (VI) The dilution factor used on the sample; and
 - (VII) The analytical results expressed as a concentration of the chemical(s) of concern.
- (2) Applicability.
 - (a) This rule shall apply to all newly reported and/or discovered releases from petroleum underground storage tanks.
 - (b) Unless directed otherwise by the division, this rule shall apply to all previously reported releases from petroleum underground storage tanks.
 1. Data which has previously been gathered shall be utilized by the tank owner and/or operator to comply with this rule, provided that such data is valid and is representative of the site. The fund shall not reimburse the tank owner and/or operator for the cost of generating duplicate data.
 2. Any requirements of this rule that have not previously been satisfied, shall be satisfied by the tank owner and/or operator unless directed otherwise by the division.
- (3) Initial response.

Upon confirmation of a release in accordance with rule 1200-1-15-.05(3) or after a release from a UST system is identified in any other manner, owners and/or operators shall, unless directed to do otherwise by the division, perform the following initial response actions:

- (a) Report the release to the division within seventy-two (72) hours (for example, by telephone, facsimile machine or electronic mail);
- (b) Take immediate actions to prevent any further release of the petroleum into the environment including, but not limited to:
 - 1. Removing as much of the petroleum from the UST system as is necessary to prevent any further release;
 - 2. Taking the UST system out of service until piping or ancillary equipment associated with the release are replaced or repaired; and/or
 - 3. Preventing the placing of petroleum product into the leaking UST system;
- (c) Take immediate action to identify fire, explosion, and/or vapor hazards. Report and manage any hazards identified in accordance with paragraph (4) of this rule;
- (d) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the petroleum into surrounding soils and/or ground water; and
- (e) Perform a water use survey in accordance with guidance provided by the division. All drinking water supplies, including both wells and springs, located within one-tenth (0.1) mile of the petroleum site shall be investigated and sampled for the presence of a release. The division may require additional investigation and sampling of drinking water supplies in the area, based on hydro-geological conditions or other physical characteristics in the area. Impacted drinking water shall be reported in accordance with subparagraph (4)(a) of this rule and addressed as required in part (4)(b)1. of this rule.
- (4) Hazard Management. When human health hazards, such as impacted drinking water, petroleum vapors, and/or free product are discovered in the vicinity of the petroleum site, the following actions shall be taken to manage such hazards:
 - (a) Notification. Report the discovery of impacted drinking water, petroleum vapors, free product, and/or other hazards to the division within seventy-two (72) hours using a Hazard Notification Report form established by the division. The form shall be completed in accordance with guidance provided by the division. The form may be submitted by facsimile machine or electronic mail.
 - (b) Abatement Measures.
 - 1. Impacted Drinking Water. Upon discovery and/or confirmation of impacted drinking water, immediately provide an alternate drinking water supply to replace the impacted drinking water unless directed to do otherwise by the division.
 - (i) A temporary source of drinking water may be used in the short term to satisfy the requirement of this part, such as providing bottled water or installing a water filtration system. However, a proposal for providing a permanent source of alternate drinking water shall be supplied as required in subpart (ii) of this part unless otherwise directed by the division.

- (ii) A proposal for providing a permanent source of potable drinking water, including a cost proposal, shall be submitted to the division. The proposal shall be in a format established by the division and shall recommend that one of the following methods be utilized:
 - (I) Install a connection to a public water supply system;
 - (II) Install a drinking water well into a deeper, non-impacted aquifer;
 - (III) Restore the impacted aquifer utilizing active remediation measures; or
 - (IV) Utilize another means of supplying a permanent source of potable drinking water.
 - (iii) Upon approval by the division of a proposal for providing a permanent source of potable drinking water, the tank owner and/or operator shall take such actions as are necessary to implement the approved proposal for providing a permanent source of potable drinking water.
2. Vapor hazards. Upon discovery and/or confirmation of vapor hazards in a basement, sewer, utility or other confined space, immediate actions shall be taken to eliminate the vapor hazard in that area unless directed to do otherwise by the division.
- (i) Vapor hazard control shall, at a minimum, prevent explosion and fire hazards as well as preventing the completion of a human health inhalation exposure pathway.
 - (ii) After confirmation of a vapor hazard or potential hazard, vapor levels shall be monitored in accordance with guidance provided by the division and in accordance with a schedule established by the division.
3. Free Product.
- (i) Upon confirmation of free product, interim free product removal measures shall be taken immediately to control the migration of the free product associated with recent releases or for free product present in excavations, unless directed to do otherwise by the division.
 - (ii) Free Product Investigation Report. The division may require an investigation to be made in response to the discovery of free product at or in the vicinity of the petroleum site. The investigation shall be conducted in accordance with guidance provided by the division. A report shall be prepared and submitted to the division in a format and in accordance with a schedule established by the division. Unless directed otherwise by the division, the report shall include, but not be limited to the following:
 - (I) Site characteristics;
 - (II) The areal and vertical extent of free product;
 - (III) An estimation of the volume of free product; and
 - (IV) The feasibility of recovery of the free product.

- (iii) Based on the results of the Free Product Investigation Report required under the authority of subpart (ii) of this part, the division may require a tank owner and/or operator to submit a Free Product Removal Plan (FPRP) in a format and in accordance with a schedule established by the division. The FPRP shall be completed in accordance with guidance provided by the division. Unless directed otherwise by the division, the FPRP shall include, but not be limited to, the following:
 - (I) Both the long term and the short term objectives of free product recovery at this site, for example, hydraulic containment, limited draw-down with limited smearing, or other objectives, as well as performance measures;
 - (II) The design of the free product recovery system or systems, if two or more types of systems are to be used during the course of free product recovery, and a strategy for future integration of the free product recovery system(s) with any soil and/or ground water treatment determined to be necessary;
 - (III) An operation and maintenance schedule;
 - (IV) Schedules for monitoring and reporting;
 - (V) A list of actionable causes which would result in the re-evaluation of the continued need for and/or the redesign and/or termination of the free product recovery system;
 - (VI) A schedule and conditions for post termination monitoring; and
 - (VII) A cost proposal.
 - (iv) Upon approval of the Free Product Removal Plan, the tank owner and/or operator shall implement the approved plan in accordance with the provisions of the plan.
 - (v) All reporting requirements contained in the plan shall be followed and the reports shall be submitted to the division in accordance with the schedule contained in the approved plan.
4. Take appropriate actions, approved in advance by the division, to abate any other identified hazards.
- (c) Reporting. Tank owners and/or operators shall submit a Hazard Management Report detailing the actions that have been taken to address the hazards discovered at or in the vicinity of the petroleum site. Hazard Management Reports shall be submitted in a format and in accordance with a schedule established by the division and shall be completed in accordance with guidance provided by the division.
- (5) Initial Site Characterization and Exposure Assessment.

Unless directed to do otherwise by the division, the owner and/or operator shall, in accordance with this paragraph, assess the characteristics of the site as well as the nature of the release and shall identify risk to human health, safety and the environment associated with the petroleum release.

- (a) Site Assessment.

1. In accordance with guidance provided by the division, the owner/operator shall conduct an assessment of the petroleum site by installing four (4) soil borings completed as ground water monitoring wells. The soil and the ground water shall be sampled for laboratory evaluation to determine the presence and the levels of the chemicals of concern in each sample.
 2. If the tank owner and/or operator concludes that more than four (4) soil borings and/or monitoring wells are necessary for site characterization and/or risk assessment, the tank owner and/or operator may submit a proposal. Such a proposal shall include a cost proposal and a justification statement for review and approval by the division. This may be done during the initial site characterization or at any time subsequent thereto.
 3. The division may require the installation of more than four (4) soil borings and/or monitoring wells for site characterization and/or risk assessment. This may be done during the initial site characterization or at any time subsequent thereto.
- (b) Initial Site Characterization Report. A report shall be prepared and submitted to the division in a format and in accordance with a schedule established by the division. Data collection, risk analysis and report completion shall be done in accordance with guidance provided by the division. The Initial Site Characterization Report shall include but not be limited to the following:
1. A site history, including the types of petroleum products stored, used and/or dispensed on the site, set forth in a chronology of site events;
 2. A release history, including any of the following that are known or can be obtained or determined:
 - (i) The source of the release;
 - (ii) The type(s) of petroleum product(s), including additives, released;
 - (iii) Records of release detection conducted at the site that, at a minimum, include the twelve (12) consecutive months immediately preceding the date of the release;
 - (iii) The date of the release;
 - (iv) The volume of the release;
 - (iv) The cause of the release; and
 - (v) Levels of chemicals of concern at or in the vicinity of the petroleum site;
 3. Petroleum site conditions, including, but not limited to, the following:
 - (i) A site map;
 - (ii) Location of utilities;
 - (iii) Land conditions, including current land use, both inside and outside of the facility property boundaries;

- (iv) Ground water conditions and use, both inside and outside of the facility property boundaries, including the water use survey conducted in accordance with subparagraph (3)(e) of this rule; and
 - (v) Surface water conditions, including current surface water use, both inside and outside of the facility property boundaries;
4. Risk factors including, but not necessarily limited to, the following:
- (i) Current and reasonably anticipated receptors shall be identified and located on a site map. Receptors shall include, but not necessarily be limited to:
 - (I) Human receptors: adult, child, residential, commercial/industrial worker;
 - (II) Ecological; and/or
 - (III) Physical receptors, such as: drinking water wells and springs, buildings and basements, utilities, surface water; and
 - (ii) Current and reasonably anticipated exposure pathways between the source area(s) and the identified receptors shall be identified. The exposure pathways shall include ingestion and inhalation; and
5. A Risk Analysis Report (RAR) spreadsheet completed in accordance with guidance and instructions provided by the division and using computational software provided by the division. The RAR shall be used to determine cleanup levels, either Risk Based Cleanup Levels (RBCLs) or Site Specific Cleanup Levels (SSCLs), for the site based on risk to human health, safety and the environment.

(6) Contamination Case Closure or No Further Action.

If the maximum concentrations of the chemicals of concern at the site are at or below the RBCLs and/or the SSCLs for the site as determined in the Risk Analysis Report section of the Initial Site Characterization Report, then contamination case closure activities shall be completed in accordance with a schedule established by the division and in accordance with guidance provided by the division. Contamination case closure activities may include, but are not limited to, the following:

- (a) Closure monitoring;
- (b) Proper abandonment of monitoring wells; and/or
- (c) Report submittal.

(7) Consideration of Additional Corrective and/or Risk Management Measures.

If the cleanup levels determined in the Risk Analysis Report section of the Initial Site Characterization Report are above the Risk Based Cleanup Levels and/or the Site Specific Cleanup Levels for any of the chemicals of concern confirmed to be present at the site, then it may be necessary to consider additional remediation and/or risk management measures such as those outlined in paragraphs (8) through (10) of this rule.

- (a) If the tank owner and/or operator concludes that the use of specific additional measures will result in a more cost effective approach to case management and/or in faster contamination case closure, the tank owner may submit a proposal. Such a proposal shall include a cost proposal and a justification statement.
- (b) If the division concludes that the use of specific additional measures will result in a more cost effective approach to case management and/or in faster contamination case closure, the tank owner shall, at the direction of the division, submit a proposal, including a cost proposal. However, a tank owner and/or operator who is not also the petroleum site owner shall not be required to establish institutional controls in accordance with subparagraph (8)(c).
 - (c) The cost of additional measures taken prior to division approval of a proposal will not be reimbursed by the fund.
- (8) Interim Remediation and/or Risk Management. In accordance with the provisions of paragraph (7) of this rule the division may require or allow the tank owner and/or operator to take interim remediation and/or risk management measures. After taking any interim remediation action or risk management measure, the tank owner and/or operator shall reevaluate the risk in accordance with guidance provided by the division. Interim remediation or risk management may include, but is not limited to:
 - (a) Source removal.
 - 1. Source removal activities shall not spread contamination into previously uncontaminated or less contaminated areas through improper storage, improper treatment, untreated discharges, or improper disposal.
 - 2. Soil removal. The excavated soil shall be handled in a manner that prevents human exposure to contaminated soil and that prevents soil exposure to precipitation that may cause surface runoff. The excavation pit shall be secured in a manner that prevents accidental or intentional entry by the public;
 - (b) Risk reduction. Actions that eliminate or reduce risk include, but are not limited to, the following activities:
 - 1. Supplying a permanent source of potable water to replace impacted drinking water; and/or
 - 2. Re-routing utility lines or replacing vulnerable portions of utility lines with materials that can withstand the impacts of petroleum;
 - (c) Establishing institutional controls in accordance with the following:
 - 1. A Notice of Land Use Restrictions, which satisfies the requirements of T.C.A. § 68-212-225, shall be filed in the register of deeds office in the appropriate county.
 - 2. The Notice of Land Use Restrictions may include, but is not limited to, restrictions on the current and future uses of the land, use of the property, current and future uses of ground water, building, filling, grading and/or excavating; and/or
 - (d) Employing engineering controls.
- (9) Advanced Risk-Based Modeling. In accordance with the provisions of paragraph (7) of this rule, the division may require or allow advanced risk based modeling:

- (a) The tank owner and/or operator shall submit predictive modeling information in a format and in accordance with a schedule established by the division and in accordance with guidance provided by the division.
 - (b) The modeling information shall be accompanied by or include a conclusion as to the course of action which should be taken to address the petroleum contamination at the site provided that such course of action takes into account both adequate risk management and cost effectiveness.
- (10) Corrective Action Plan. In accordance with the provisions of paragraph (7) of this rule, the division may require or allow the tank owner and/or operator to submit a Corrective Action Plan (CAP).
- (a) The CAP shall be in a format established by the division and completed in accordance with guidance provided by the division. The corrective action plan shall be submitted in accordance with a schedule established by the division.
 - (b) The Corrective Action Plan shall include, but not be limited to, the following:
 - 1. General requirements applicable to all Corrective Action Plans, unless the division specifically instructs the tank owner and/or operator that certain requirements do not apply to the petroleum site. The general requirements shall include, but not be limited to, the following:
 - (i) Corrective action system tasks, repairs, maintenance, record keeping, and/or evaluations;
 - (ii) Performance measurement of site remediation;
 - (iii) Monitoring events, monitoring tasks and/or monitoring results reporting; and
 - (iv) Causes for modification and/or termination; and
 - 2. Site-specific requirements, which shall include, but not be limited to, the following:
 - (i) The applicable site specific clean-up level for each chemical of concern in soil and/or ground water;
 - (ii) The proposed corrective action(s) for soil and/or ground water remediation;
 - (iii) A schedule for planned operation and maintenance as well as a contingency plan for unscheduled operation and maintenance activities;
 - (iv) A cost proposal; and
 - (v) Performance measures.
 - (c) Upon approval of the Corrective Action Plan the tank owner and/or operator shall implement the approved plan in accordance with the provisions of the plan.

- (d) All reporting requirements contained in the plan shall be followed and the reports shall be submitted to the division in accordance with the schedule contained in the approved plan.
- (11) Public participation.
- (a) For each confirmed release for which a Corrective Action Plan has been required or allowed, the tank owner and/or operator shall provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in a state register, letters to individual households, or personal contacts by field staff.
 - (b) The division shall ensure that site release information and decisions concerning the Corrective Action Plan are made available to the public for inspection upon request.
 - (c) Before approving a Corrective Action Plan, the division may hold a public meeting to consider comments on the proposed corrective action plan if there is sufficient public interest, or for any other reason.
 - (d) The tank owner and/or operator shall, at the direction of the division, give public notice that complies with subparagraph (a) of this paragraph if implementation of an approved Corrective Action Plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the division.

Authority: *T.C.A. §68-215-107 and §4-5-201 et seq.*

Appendices 1 through 5 are deleted in their entirety. Appendix 6 is renumbered as Appendix 1.

Paragraph (7) Authorized Disbursements From the Fund of rule 1200-1-15-.09 Administrative Guidelines and Procedures for the Tennessee Petroleum Underground Storage Tank Fund is amended by deleting Subparagraph (b) in its entirety and renumbering the subsequent subparagraphs accordingly.

Subparagraph (a) Paragraph (8) Scope of Fund Coverage of rule 1200-1-15-.09 Administrative Guidelines and Procedures for the Tennessee Petroleum Underground Storage Tank Fund is amended by placing a period, “.”, after the words “UST storing petroleum” and by deleting the remaining text.

Paragraph (9) Fund Ineligible Costs of rule 1200-1-15-.09 Administrative Guidelines and Procedures for the Tennessee Petroleum Underground Storage Tank Fund is amended by deleting Subparagraph (d) in its entirety and renumbering the subsequent subparagraphs accordingly.

Paragraph (11) Requirements for Fund Coverage of Corrective Action Costs of rule 1200-1-15-.09 Administrative Guidelines and Procedures for the Tennessee Petroleum Underground Storage Tank Fund is amended as follows:

Subparagraph (a) is amended by deleting the subparagraph in its entirety and replacing it with the following:

- (a) Upon confirmation of a release in accordance with rule 1200-1-15-.05(3) or after a release from the UST system is identified in any other manner, owners and operators shall comply with the requirements of rule 1200-1-15-.06 necessary to investigate the release, characterize the site and control any hazards posed by the release in order to stabilize the site, prevent significant risk to human health and safety, and/or continuing damage to the environment.

Subparagraph (d) is amended by deleting the words “abatement measures, and initial free product removal” and replacing them with the words “or hazard control measures”. This subparagraph is further amended by deleting the rule cite “1200-1-15-.06(2)” and replacing it with “1200-1-15-.06(3)”.

Subparagraph (e) is amended by deleting the subparagraph in its entirety and replacing it with the following:

- (e) Following completion of the necessary site stabilization actions as described in subparagraph (d) of this paragraph, subsequent investigation, risk evaluation, and remediation shall be performed by approved corrective action contractors and in accordance with the requirements of rule 1200-1-15-.06. Unless directed to do otherwise by the division, prior to initiating any subsequent investigation, risk evaluation or remediation, the owner and/or operator shall, through the assistance of the selected corrective action contractor, prepare and submit to the division a cost proposal for conducting the proposed investigation, risk evaluation or remediation. Cost proposals shall be prepared in accordance with guidance provided by the division and in a format established by the division.

Subparagraph (k) shall be amended by deleting the following: “(1) through 1200-1-15-.06(7)”.

Paragraph (13) Applications for Payment of rule 1200-1-15-.09 Administrative Guidelines and Procedures for the Tennessee Petroleum Underground Storage Tank Fund is amended by deleting Subparagraph (f) in its entirety and replacing it with the following:

- (f) All applications for payment of costs of cleanup shall be received by the division within one (1) year of the performance of the task(s) covered by that application in order to be eligible for payment from the fund”

Authority: T.C.A. §§68-215-107 and 4-5-201 et seq.

The notice of rulemaking set out herein was properly filed in the Department of State on the 23rd day of December, 2004. (12-15)

**THE TENNESSEE DEPARTMENT OF HEALTH - 1200
BUREAU OF HEALTH LICENSURE AND REGULATION
DIVISION OF EMERGENCY MEDICAL SERVICES**

There will be a hearing before the Division of Emergency Medical Services to consider the promulgation of amendments of rules pursuant to T.C.A. §§ 68-140-504, 68-140-506, 68-140-508, and 68-140-517. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building, Ground Floor, located at 425 Fifth Avenue North, Nashville, Tennessee at 10:00 a.m., Central Standard Time, on March 10, 2005.

Any individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Department of Health, Division of Emergency Medical Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party plans to review such filings, to allow time for the Division of Emergency Medical Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the department’s ADA coordinator at the Andrew Johnson Tower, 11th Floor, 710 James Robertson Parkway, Nashville, TN 37243-0675, 615-741-6350.

For a copy of the entire text of the notice of rulemaking, contact Joseph B. Phillips, Director, Division of Emergency Medical Services, Cordell Hull Building, First Floor, 425 Fifth Avenue, North, Nashville, TN 37247 0701, 615-741-2584.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS OF RULES

Paragraph (2) of Rule 1200-12-1-.15 Ambulance Service Records is amended by deleting the existing language of the paragraph in its entirety, and substituting instead the following language, so that, as amended the rule shall read:

- (2) Dispatch and Run Records shall be provided for every call to which an ambulance responds or when a patient is evaluated, treated, or transported; including information in accordance with the following requirements:
 - (a) A dispatch log shall be maintained to record the assignment of all units, including the date, the time the call is received, time and unit dispatched, time of arrival on scene, time of arrival at the destination, and time available for return to service. The dispatch log will specify responding or attending personnel by name and level of licensure, and cross-reference any ambulance run report number. Calls will be logged to reflect immediate emergency or non-emergency response or scheduled transfers. Compliance may be demonstrated by a single log, or such combination of records that can confirm the required information. Ambulance dispatch logs will be retained for a period of at least ten (10) years.
 - (b) Ambulance service run reports shall be filed with the Division of Emergency Medical Services to include all information in required data fields and such other information as may be detailed in the Board approved prehospital care data set. This information shall be transmitted in an approved format using Tennessee subset schema definitions (XSD) in Extensible Markup Language (XML) in compliance with information systems procedures adopted by the State of Tennessee. Each service shall submit reports, either web based or via compiled form, to the Division of Emergency Medical Services within sixty (60) days. Notices shall be sent to the service within fifteen (15) days for non-compliance or citing deficiencies in the reported data elements or required information.
 - (c) For each patient transported to a hospital emergency department or transferred between medical facilities, emergency medical services personnel shall submit a report in writing to the emergency department or hospital personnel in a format or method approved by the Board. This report shall provide brief information identifying the patient by name (if known), age, and gender; the location from which the patient was transported; the approximate times of the medical incident, initiation of transport, and arrival at the hospital; the chief complaint or description of the illness or injuries, with appropriate notation of vital signs and patient condition; and shall describe the care and treatment provided at the scene or during transport. This report shall identify the name(s) and professional license level of the attending personnel, ambulance unit, and ambulance service. The receiving facility should receive any records or copies of physicians orders for scope of treatment (POST) that may accompany the patient. Should circumstances or other emergencies preclude the submission of the report at the time of arrival at the emergency department, the report shall be submitted in not less than twenty-four hours from time of transport. This report, while classified as confidential, shall be deemed as an essential element for continuity of care.

Authority: T.C.A. §§4-5-202, 4-5-203, 4-5-204; 68-140-502, 68-140-504, 68-140-505, 68-140-508 and 68-140-509.

The notice of rulemaking set out herein was properly filed in the Department of State on the 23rd day of December, 2004. (12-14)

BOARD OF NURSING - 1000

There will be a hearing before the Tennessee Board of Nursing to consider the promulgation of amendments to rules and repeal of a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-7-207. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 17th day of February, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards, to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings) to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1000-1-.12, Fees, is amended by deleting subparagraph (1) (j) in its entirety and renumbering the remaining subparagraphs accordingly.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-123, 63-7-126, and 63-7-207.

Rule 1000-1-.17, Interstate Nurse Licensure, is amended by deleting paragraph (2) but not its subparagraphs and substituting instead the following language, so that as amended, the new paragraph (2) but not its subparagraphs shall read:

- (2) Issuance of License by a Compact Party State—No applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-105, 63-7-113, 63-7-207, and 63-7-301, *et seq.*

Rule 1000-2-.15, Scope of Practice, is amended by adding the following language as paragraph (1) and numbering the present language of the rule as paragraph (2):

- (1) Intravenous (IV) Push Medications—The administration of intravenous push medications refers to medications administered from a syringe directly into an ongoing intravenous infusion or into a saline or heparin lock.
 - (a) Licensed Practical Nurses may deliver selected intravenous push medications when prescribed by a licensed health care professional who has legal authority to prescribe such medications, and when under the delegation of a licensed physician, dentist or registered nurse pursuant to T.C.A. § 63-7-108, provided:
 1. the Licensed Practical Nurse has a minimum of three (3) years experience as a licensed nurse; and
 2. the Licensed Practical Nurse has successfully completed a course of study developed from the Infusion Nurse Society Standards or has successfully completed a formal (institutional/agency-based) intravenous therapy training and competency program prior to July 1, 2005; and
 3. the Licensed Practical Nurse practices under the supervision (defined as “overseeing with authority”) of a licensed physician, dentist, or registered nurse pursuant to T.C.A. § 63-7-108. The supervisor shall maintain accountability for the delegation while the Licensed Practical Nurse is accountable for his/her acts; and
 4. the Licensed Practical Nurse administers IV push medications in peripheral lines only; and
 5. Competency is demonstrated to the chief nursing officer or delegatee; and
 6. Documentation of competence is maintained in the Licensed Practical Nurse’s personnel file, signed and attested to by the facility’s chief nursing officer; and
 7. the Licensed Practical Nurse administers IV push medications only to adults weighing over eighty (80) pounds.
 - (b) Licensed Practical Nurses shall not administer IV push medications to pediatric or prenatal and ante partum obstetrical patients.
 - (c) Licensed Practical Nurses shall not administer the following fluids/medication/agents or drug classifications in the context of intravenous therapy:
 1. Chemotherapy; and
 2. Serums; and
 3. Oxytocics; and
 4. Tocolytics; and
 5. Thrombolytics; and
 6. Blood or blood products; and

7. Titrated medications and dosages calculated and adjusted by the nurse based on patient assessment and/or interpretation of lab values and requiring the nurse's professional judgment; and
8. Moderate sedation; and
9. Anesthetics; and
10. Paralytics; and
11. Investigative or experimental drugs.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-108, 63-7-109, and 63-7-207.

Rule 1000-2-.16, Interstate Nurse Licensure, is amended by deleting paragraph (2) but not its subparagraphs and substituting instead the following language, so that as amended, the new paragraph (2) but not its subparagraphs shall read:

- (2) Issuance of License by a Compact Party State—No applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-110, 63-7-113, 63-7-207, and 63-7-301, *et seq.*

Rule 1000-4-.03, Advanced Practice Nurse Certificate, is amended by deleting paragraph (3) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (5) in its entirety, so that as amended, the new paragraph (3) shall read:

- (3) Graduation from a program conferring a master's degree or higher in a nursing specialty unless:
 - (a) national certification in a nursing specialty and licensure in Tennessee as a registered nurse was obtained prior to July 1, 2005; or
 - (b) national certification in a nursing specialty and licensure as a registered nurse with the multistate licensure privilege to practice in Tennessee was obtained prior to July 1, 2005; and

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-126, 63-7-207, and 63-7-302.

Rule 1000-4-.06, Fees, is amended by deleting subparagraph (1) (a) in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1) (c) in its entirety and renumbering subparagraphs (1) (d) and (1) (e) as subparagraphs (1) (c) and (1) (d), so that as amended, the new subparagraph (1) (a) shall read:

- | | |
|---|-----------------|
| <ol style="list-style-type: none"> (1) (a) Application for Advanced Practice Nurse Certificate
(includes fee for Certificate of Fitness to Prescribe as provided in rule 1000-1-.12 [1] [i], if applicable). If a Certificate of Fitness to Prescribe has previously been obtained by the applicant (including payment of the applicable fee), this application fee shall be waived. | <p>\$200.00</p> |
|---|-----------------|

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-123, 63-7-126, and 63-7-207.

REPEAL

Rule 1000-4-.05, Temporary Certificate of Fitness, is repealed.

Authority: T.C.A. §§4-5-202, 4-5-204, and 63-7-207.

The notice of rulemaking set out herein was properly filed in the Department of State on the 15th day of December, 2004. (12-09)

BOARD OF OSTEOPATHIC EXAMINATION - 1050 COUNCIL OF CERTIFIED PROFESSIONAL MIDWIFERY

There will be a hearing before the Tennessee Board of Osteopathic Examination's Council of Certified Professional Midwifery to consider the promulgation of an amendment to a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-9-101, 63-29-107, 63-29-108, 63-29-109, 63-29-112, and 63-29-116. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CST) on the 28th day of February, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247 1010, (615) 532 4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULE

AMENDMENT

Rule 1050-5-.06 Fees, is amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1) and (2) shall read:

- | | |
|--------------------------|------------|
| (1) Application fee | \$1,000.00 |
| (2) Biennial renewal fee | \$1,000.00 |

Authority: T.C.A. §§4-5-202, 4-5-204, 63-9-101, 63-29-107, 63-29-108, 63-29-109, 63-29-112, and 63-29-116.

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of December, 2004. (12-13)

THE TENNESSEE DEPARTMENT OF TRANSPORTATION - 1680 MAINTENANCE DIVISION

There will be a hearing before the Tennessee Department of Transportation to consider the promulgation of new rules establishing the Local Government Guide Sign Program (Wayfinding Program) Including Conventional State Highways pursuant to Tennessee Code Annotated § 4-3-2307 and § 54-5-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in the Main Conference Room on the 7th Floor of the James K. Polk Building located at 505 Deaderick Street, Nashville, Tennessee 37243 at 1:30 p.m. CST on Wednesday, February 16, 2005.

Written comments will be considered if received by the close of business (4:30 p.m.) on February 16, 2005, in the Office of General Counsel, Tennessee Department of Transportation, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243, or if received at the public rulemaking hearing on February 16, 2005.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Department of Transportation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone or other appropriate means, and should be made no less than ten (10) days prior to the public hearing (February 16, 2005) or the date the party intends to review such filings to allow time to provide such aid or service. Such contact may be made with the Department of Transportation's ADA Coordinator at Suite 400, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0327, or by telephone at (615) 741-4984.

For a copy of this notice of rulemaking hearing, contact: John H. Reinbold, Tennessee Department of Transportation, Office of General Counsel, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243, telephone number (615) 741-2941.

SUBSTANCE OF PROPOSED RULES

NEW RULES

**CHAPTER 1680-3-5
LOCAL GOVERNMENT GUIDE SIGN PROGRAM (WAYFINDING PROGRAM)
INCLUDING CONVENTIONAL STATE HIGHWAYS**

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1680-3-5-.01 PURPOSE.

The purpose of these Rules is to establish methods, procedures, and guidelines under which a local government may adopt a guide sign program (Wayfinding Program) to provide for local control of guide signs maintained on conventional state highways within a defined Wayfinding Region. An approved Wayfinding Program shall operate in place of the Department’s regulations for guide signs on conventional state highways as established in Chapter 1680-3-2.

Authority: T.C.A. §§4-3-2307 and 54-5-108.

1680-3-5-.02 APPLICATION AND SCOPE OF PROGRAM.

- (1) Any county or incorporated municipality within the State of Tennessee that is organized with legal authority to construct and maintain its own local roads is authorized to adopt a Wayfinding Program as provided in these Rules.
- (2) Adoption of a Wayfinding Programs is optional, and nothing in these Rules shall be construed to require any county or municipality to participate in or undertake a Wayfinding Program.
- (3) An approved Wayfinding Program may apply to conventional state highways within the jurisdiction of a county or municipality, but it shall not apply to freeways and expressways, including ramps, on the state highway system. Guide signs on all freeways and expressways on the state highway system, as well as guide signs on all conventional state highways outside of any designated Wayfinding Region, will continue to be maintained by the Department.

Authority: T.C.A. §§4-3-2307 and 54-5-108.

1680-3-5-.03 DEFINITIONS.

- (1) “Conventional highway” means a highway with at-grade intersections and without control of access.
- (2) “Department” means the Tennessee Department of Transportation.
- (3) “Eligible local government” as used in these Rules means a county or a municipality that is incorporated under the laws of the State of Tennessee and is organized with legal authority to construct and maintain its own local roads.
- (4) “Expressway” means a divided highway with partial control of access, including some grade-separated interchanges as well as at-grade intersections.

- (5) “Freeway” means a divided highway with full control of access, including grade-separated interchanges rather than at-grade intersections.
- (6) “Guide sign” means a highway or street sign that shows route designations (route shields), destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.
- (7) “Guide sign policy” as used in these Rules means a policy that establishes the types of destinations or points of interest for which guide signs may be erected, the specific eligibility criteria under which such destinations or points of interest may be signed, and the types of signs (standard or non-standard) that will be used under an approved Wayfinding Program.
- (8) “MUTCD” means the United States Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways*, which is adopted and incorporated by reference in Chapter 1680-3-1 of the Rules of the Tennessee Department of Transportation.
- (9) “Non-standard sign” means a sign that does not conform to the MUTCD’s standards or guidance for sign design, including color, shape, size, lettering, legend, borders, and reflectivity.
- (10) “Standard sign” means a sign that does conform to the MUTCD’s standards or guidance for sign design, including color, shape, size, lettering, legend, borders, and reflectivity.
- (11) “State highway” means a highway designated by the Department as part of the state highway system of the State of Tennessee.
- (12) “Wayfinding Program” means a program adopted by an eligible local government in accordance with these Rules that provides for local control of guide signs within a defined Wayfinding Region, including conventional state highways as well as local roads under the local government’s jurisdiction, in place of the Department’s regulations for guide signs on conventional state highways as established in Chapter 1680-3-2.
- (13) “Wayfinding Region” means the defined area, including all or part of an eligible local government, within which a Wayfinding Program approved by the Department shall apply.

Authority: T.C.A. §§4-3-2307 and 54-5-108.

1680-3-5-.04 ALTERNATIVE SIGNING METHODS.

Subject to the approval of the Department and the Federal Highway Administration, if applicable, as indicated in these Rules, an eligible local government may adopt a Wayfinding Program that provides for the use of either standard or non-standard signs within the Wayfinding Region, as follows:

- (1) A local government may use standard signs consistent with the current edition of the MUTCD.
 - (a) Under this method, all guide signs on conventional state highways previously installed and maintained by the Department that are located within the Wayfinding Region and included in the local government’s Wayfinding Program will be maintained and replaced as needed by the local government, except that
 - (b) On state highways within the Wayfinding Region the Department will be continue to be responsible for the installation and maintenance of all route designation signs (route shields), city

destination signs, and any other guide signs that the Department has designated to remain in place under the local government's approved Wayfinding Program.

- (2) In the alternative, an eligible local government may request to use non-standard signs that are not consistent with the MUTCD.
 - (a) Under this method, the local government must apply to the Federal Highway Administration for experimental status following the steps outlined in the current MUTCD and these Rules for the use of such non-standard signs.
 - (b) If the request to experiment is approved, all guide signs on conventional state highways within the Wayfinding Region that were previously installed and maintained by the Department shall be removed by the local government at the local government's expense and returned to Department's applicable Regional highway sign shop or otherwise disposed of as directed by the Department's Traffic Engineering Office, except that
 - (c) On conventional state highways within the Wayfinding Region the Department will continue to be responsible for the installation and maintenance of route designation (route shields) and directional signs, city destination and distance signs, and any other guide signs that the Department has designated to remain in place under the local government's approved Wayfinding Program. Signs maintained by the Department within the Wayfinding Region will be standard signs consistent with the MUTCD.

Authority: T.C.A. §§4-3-2307 and 54-5-108.

1680-3-5-.05 PROGRAM COMPONENTS AND APPROVALS.

- (1) Guide Sign Policy.
 - (a) An eligible local government choosing to have a Wayfinding Program shall develop a proposed guide sign policy that:
 1. Establishes the types of destinations and/or points of interest for which guide signs may be erected;
 2. The specific eligibility criteria under which such destinations and points of interest may be signed; and
 3. The types of signs (standard or non-standard) that will be used to sign destinations and points of interest under the proposed Wayfinding Program.
 - (b) The proposed guide sign policy must provide for the signing of any destination or point of interest that is required to be signed under applicable law, including state statutes.
 - (c) In addition, the proposed guide sign policy should provide for the signing of all destinations or points of interest previously signed by the Department under its guide sign policy for conventional state highways.
 - (d) The Department reserves the right to require that specifically designated guide signs previously installed and maintained by the Department shall remain in place under the approved

Wayfinding Program. In such cases, the Department will retain responsibility for maintaining the designated signs.

- (e) All signs within the Wayfinding Region must conform to the design standards of the current MUTCD, including standards for the shape, color, dimensions, legends, borders and reflectivity of signs, unless the local government has obtained approval for the use of non-standard signs from the Federal Highway Administration under the request to experiment process.
 - (f) In any event, all guide signs within the Wayfinding Region must use a consistent sign design, whether by using standard signs consistent with the MUTCD or by using a consistent design for non-standard signs as may be approved by the Federal Highway Administration under the request to experiment process.
 - (g) The local government shall submit its proposed guide sign policy to the Department's Traffic Engineering Office for review and approval.
- (2) Wayfinding Region.
- (a) The local government shall define the geographic area within its jurisdictional limits that will constitute the Wayfinding Region in which its proposed guide sign policy shall apply.
 - (b) The Wayfinding Region may include all or part of the area within the jurisdiction of the local government, subject to the approval of the Department.
 - (c) The local government shall submit a detailed map defining the proposed Wayfinding Region to the Department's Traffic Engineering Office for review and approval.
- (3) Identification of Guide Signs.
- (a) The local government shall prepare a complete inventory, and a map showing the location, of all guide signs on conventional state highways within the Wayfinding Region that have been previously installed and maintained by the Department.
 - (b) The local government shall prepare a complete list of all destinations and points of interest that it proposes to sign on conventional state highways within the Wayfinding Region and a map showing the approximate location of each proposed guide sign.
 - (c) The local government shall submit the above-described inventory, list and maps to the Department's Traffic Engineering Office for review and approval before installing any guide signs on conventional state highways under the local government's proposed guide sign policy.
- (4) Request to Experiment.
- (a) If an eligible local government proposes to use non-standard guide signs, it must obtain approval from the Federal Highway Administration as provided in the MUTCD's request to experiment process.
 - (b) The request to experiment shall be submitted to the Department's Traffic Engineering Office for review and approval. Upon approval, the Department will forward the local government's request to experiment to the Federal Highway Administration.

- (c) The local government shall have responsibility for all aspects of the experimental process (submittal, monitoring, evaluation, reporting, termination, etc.), except as provided in the preceding subparagraph (b).
 - (d) The local government shall not remove any existing guide signs or install any non-standard signs on conventional state highways prior to receiving approval from the Federal Highway Administration on its request to experiment.
- (5) Notice of Approval.

After all required documents have been reviewed and approved by the Department's Traffic Engineering Office as provided in this Rule, the Department will send the local government a letter agreement setting forth the terms and conditions of the approved Wayfinding Program. If accepted by the local government, the chief executive officer of the local government shall execute the letter agreement, in accordance with such procedures as may be required under local law, and return it to the Department's Traffic Engineering Office.

- (6) Approval of Modifications to the Wayfinding Program.
- (a) A request to modify an approved Wayfinding Program shall be submitted in writing to the Department's Traffic Engineering Office for review and approval. If the modification is approved the Department's Traffic Engineering Office will prepare an amendment to the letter agreement, which shall be accepted in the same manner as the original agreement.
 - (b) If a requested modification changes any aspect of an approved request to experiment under the MUTCD, the request shall be submitted to the Department for review and approval, and if approved the Department will forward the request to the Federal Highway Administration for approval.

Authority: T.C.A. §§4-3-2307 and 54-5-108.

1680-3-5-.06 INSTALLATION AND MAINTENANCE OF SIGNS.

- (1) The local government with jurisdiction over the Wayfinding Region shall have the responsibility to oversee and implement the approved Wayfinding Program, but the local government may use an outside organization or consultant to manage the daily operations of its Wayfinding Program.
- (2) The placement of all guide signs within the Wayfinding Region shall conform to the standards and guidance of the current MUTCD.
- (3) All guide signs and their structural supports, including without limitation posts, foundations and mountings, installed and maintained within the Wayfinding Region shall conform to the standards of and be crashworthy as defined in the MUTCD.
- (4) The local government shall be responsible, at its own expense, to install, maintain and/or replace as necessary all guide signs on conventional state highways within the Wayfinding Region that are included in or installed under the approved Wayfinding Program, except as follows:
 - (a) The Department will continue to maintain route designation (route shield) and directional signs as well as city destination and distance signs on conventional state highways throughout the Wayfinding Region, and

- (b) The Department will maintain any other guide signs that it may designate to remain in place under the approved Wayfinding Program.
- (5) The local government will assume all liability for signs that are included, installed, and/or maintained within the Wayfinding Region under the approved Wayfinding Program.
- (6) The Department's TODS program signs and trailblazer signs installed under the Department's LOGO sign program shall remain in place within the Wayfinding Region unless, subject to the approval of the Department and consent of any affected facility, new guide signs installed under the Wayfinding Program will sign the same facility. In such cases, the Department's LOGO and/or TODS signs shall be removed.

Authority: *T.C.A. §§4-3-2307 and 54-5-108.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 13th day of December, 2004.
(12-12)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

**SPORT FISHING
 PROCLAMATION NO. 04-18**

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Sections 70-4-107 and 70-4-119, thereof, the Tennessee Wildlife Resources Commission proclaims the following regulations effective March 1, 2005.

SECTION I. ENDANGERED SPECIES, GENERAL SEASONS, CREEL AND POSSESSION LIMITS, AND MINIMUM LENGTHS

A. ENDANGERED SPECIES

All fish identified as endangered or threatened or listed as in need of management as proclaimed by the Tennessee Wildlife Resources Commission may not be taken.

B. GAME FISH SPECIES

The season is open year-round on the following species, unless otherwise specified in this proclamation. The possession limit is twice the daily creel limit.

Only the daily creel limit may be possessed while afield. It shall also be unlawful to possess while afield any fish, which has been altered to the extent that its species and/or total body length cannot be determined. The length of a fish shall be determined with the fish laying on a flat ruler, the mouth closed, and the caudal (tail) fin lobes squeezed so as to produce the maximum length.

SPECIES	DAILY LIMIT	MINIMUM LENGTH
Rock bass.....	20	No length limit
Black bass (all species in combination).....	5	No length limit
Except as listed below and in Section V, VI, and VII.		
All species from Reelfoot Lake, Reelfoot Watershed Lake #18, Gooch Unit E.....		15"
All species from Indian Boundary Lake.....	2	14"
Largemouth and smallmouth bass from Watauga Reservoir.....		12"
Largemouth bass and smallmouth bass from Cheatham, Old Hickory, and Melton Hill Reservoirs.....		14"
Largemouth and smallmouth bass from Boone, Barkley, Center Hill, Cherokee, Kentucky, Percy Priest, Pickwick, and Normandy Reservoirs.....		15"
Largemouth bass from Dale Hollow, Chickamauga, Nickajack, Watts Bar, and Tims Ford Reservoirs.....		15"

SPECIES	DAILY LIMIT	MINIMUM LENGTH
Largemouth bass from Fort Loudoun, Tellico, Parksville, and Norris Reservoirs.....		14"
Smallmouth bass from Fort Loudoun, Norris, Tellico, Tims Ford, and Watts Bar Reservoirs		18"
Smallmouth bass from Dale Hollow.....	2	16-21" Slot*
*One smallmouth bass under 16" and one smallmouth bass over 21"		
Smallmouth bass from Chickamauga, Nickajack, and Gunterville Reservoirs.....	1	18"
Smallmouth bass from Douglas Reservoir, Pigeon River (from the confluence with the French Broad River to North Carolina state line), and Little Pigeon River (including East and West Prongs) to GSMNP boundary.....	1	20"
Spotted bass from Norris, Cherokee, Fort Loudoun, Boone, Ft. Patrick Henry, South Holston, Melton Hill, Tellico, John Sevier, Davy Crockett, Watauga, Chilhowee, and Calderwood Reservoir.....	15	

NOTE: For this proclamation, a spotted bass is defined as any black bass that has patch of teeth on the center portion of the tongue.

*See Special Definitions (Section XVI) for Reservoir boundary and specific area descriptions of Cherokee, Dale Hollow, Douglas, Norris, and Boone Reservoirs where size limits on smallmouth bass and largemouth bass apply.

SPECIES	DAILY LIMIT	MINIMUM LENGTH
Sauger except as listed below.....	10	15"
From Kentucky Lake.....		14"
Walleye except as listed below.....	5	16"
Walleye from South Holston and Watauga Lakes.....		18"
Walleye from Tellico Reservoir		15"*
*only one walleye can be 24" or longer		
Walleye or sauger or in combination From Cherokee, Chilhowee, Douglas, Fort Loudoun, Melton Hill, and Tellico Reservoirs and their tributaries.....	10	15"
Walleye or sauger or in combination From Norris Reservoir and its tributaries (upstream to Grissom Island on the Clinch River).....	5	15"
Walleye, sauger or saugeye or in combination From Normandy Reservoir and its tributaries.....	15	15"

NOTE: For this proclamation, any walleye-sauger hybrid (saugeye) is considered the same as a sauger.

SPECIES	DAILY LIMIT	MINIMUM LENGTH
Striped bass or Cherokee bass (striped bass x white bass hybrid), or in combination. Except as listed below:...	2	15"
On Norris Reservoir during April through October statewide regulations apply. Effective through February 2008, during November through March the creel and size limits are.....	1	36"
On Cordell Hull and Melton Hill Reservoirs.....		32-42" slot*
*only 1 striped bass per day can be over 42"		
On Cherokee Reservoir-see SECTION II. WATERS WITH CLOSED SEASONS		
Muskellunge except as listed below	1	36"
Muskellunge from Melton Hill Reservoir.....		44"
Crappie (white and black combined) except as listed below.....	30	10"
From private waters.....		No length limit
From Mississippi River.....		No length limit
(river proper, sloughs and oxbows, the Hatchie, Loosahatchie, Forked Deer, Wolf, and Obion River and their tributaries		
From Norris Reservoir.....	10	10"
From Dale Hollow, Center Hill, Douglas, Watauga, Cherokee, South Holston, Ft. Patrick Henry, John Sevier, Boone Reservoirs.....	15	10"
From Pickwick and Gunterville Reservoirs.....		9"
From State Park Lakes, Reelfoot Lake, Indian Boundary and Davy Crockett Reservoirs.....	No length limit	
White bass.....	15	No length limit
Northern pike.....	No limits	
Yellow bass.....	No limits	
Bluegill and other bream (except as listed below).....	No limits	
From Norris Lake.....	30	No length limit
Pickrel.....	No limits	
Yellow perch.....	No limits	
Trout (combined daily creel limit-all trout) except as listed below.....	7	6"*
6" size limit is for brook trout only		
Lake trout.....	2	

C. NONGAME FISH SPECIES

	DAILY LIMIT	MINIMUM LENGTH	MAXIMUM LENGTH
Non-game species except as listed below and in Section V, VI and VIII.....	No limits		
Catfish (blue, channel, and flathead) *only 1 catfish per day greater than 34"			34"*
Catfish (blue and channel) when taken from Allen Branch Pond, and Indian Boundary Lake.....	5		
Beech River Watershed Lakes.....	5	15"	
Paddlefish may be harvested from April 24 to May 31, noculling.....	2	No length limit	
Paddlefish exception: Cherokee Reservoir, March 1 through March 31 only.....	1		30"

SECTION II. WATERS WITH CLOSED SEASONS

A. Land Between the Lakes Wildlife Management Area:

All waters open year-round, except the following:

- (a) Farm ponds – Open to fishing except those ponds posted as closed.
- (b) Bards Lake – Trotlines and limb lines prohibited. Jugs permitted from October 1 through March 21 with a limit of 10 per person.

B. Catoosa Wildlife Management Area

All streams and ponds are open from April 1 through December 31, except on dates of managed big game and turkey hunts.

C. Woods Reservoir: See Proclamation 74-17 for areas closed to fishing

D. Buffalo Creek (Grainger County): Closed to all fishing and minnow seining from the mill dam u p - stream.

E. Doakes Pond (Norris Reservoir) – That portion of Norris Reservoir known as Doakes Pond (a subimpoundment), located adjacent to Highway 63 approximately 9 miles NE of LaFollette, is closed to fishing.

F. South Holston Reservoir: Closed to trout fishing December 1 through the last day of February.

G. Center Hill Lake and Tributaries – Closed to taking or possessing of paddlefish.

H. Clear Creek (tributary to the Clinch River, Anderson County) – closed to all fishing including minnow seining from Highway 441 upstream to the second dam (adjacent to the City of Norris Water Tower), as posted, from November 1 through March 31.

- I. All TWRA and USFWS hatchery ponds and raceways are closed to fishing year-round.
- J. South Holston Tailwater – Closed to all fishing from November 1 through January 31 in the following areas:
 - (1) Hickory Tree Bridge upstream to the confluence with Bottom Creek.
 - (2) Downstream point of Boy’s Island (the first island downstream of Weaver Pike Bridge) upstream to the top of the first island above Webb Road Bridge.
- K. On Cherokee Reservoir, a closed fishing zone will be in effect from July 15 through September 15. This zone is enclosed by lines from the boat ramp at the south end of the dam across the lake to Point 2, from Point 2 to Point 3, and from Point 3 back across the lake to the TWRA boat ramp at the north end of the dam. All bank fishing will be open and the coves along the southeast shoreline will be open to boat fishing, but no fishing for any species will be allowed in the described zone from July 15 through September 15.
- L. Douglas Reservoir – Henderson Island WMA rearing pond closed to fishing year-round.

SECTION III CHEROKEE WILDLIFE MANAGEMENT AREA – SPECIAL REGULATIONS

- A. Tellico Area – Daily Permit Required
 - Tellico River from its confluence with Turkey Creek upstream to the Tennessee-North Carolina state line during the period March 15 through September 15.
 - Citico Creek upstream from its confluence with Little Citico Creek during the period March 15 through September 15.
 - Green Cove Pond (See Section III-F)
 1. Fishing permitted year-round. Closed on Thursday and Friday during the period March 15 through September 15 (except when national or state holidays fall on Thursday and Friday). From September 16 through March 14 fishing is allowed every day and no permit is required.
 2. Daily limit – 7 trout; possession limit – 14 trout.
 3. Fishing permitted from ½ hour before official sunrise to ½ hour after official sunset. The possession of fishing equipment and/or tackle is prohibited on stream banks except during legal fishing hours.
 4. Each fisherman permitted only one rod or pole.
- B. Wild Trout Streams
 - Group I
 - North River and tributaries
 - Bald River and tributaries
 - North Fork of Citico Creek and tributaries
 - South Fork of Citico Creek and tributaries
 - Laurel Fork and tributaries on Cherokee WMA beginning at the cable crossing ½ mile upstream from the USFS Dennis Cove Recreation Area and extending upstream
 - Wolf Creek and tributaries in Polk County
 - Beaverdam Creek and tributaries from its confluence with Birch Branch downstream to Tank Hollow Road (USFS Rd. 6044)

— Paint Creek and tributaries in Greene County-from USFS campground upstream to U.S. Forest Service Boundary line south of Highway 70 near Munday Gap.

1. Fishing permitted year-round.
2. Daily limit – 3 trout; possession limit – 6 trout.
3. Size limit – Rainbow and brown trout – 9 inches minimum length
Brook trout – 6 inches minimum length
4. Only single-hook artificial lures are permitted. Use or possession of bait or multiple hook lures is prohibited. One single-hook artificial lure separated from a legal lure by a length of line (for example: a dropper fly) is also permitted.
5. Fishing permitted from ½ hour before official sunrise to ½ hour after official sunset.
6. Each fisherman permitted only one rod or pole.

Group II

— Rocky Fork Creek and tributaries on lands owned by SF Rocky Fork Holdings, Inc.
 — Higgins Creek and tributaries
 — Squibb Creek and tributaries
 — Sarvis Cove and tributaries
 — Dry Creek and tributaries (Greene County) upstream from the U.S. Forest Service boundary
 — Sycamore Creek and tributaries
 — Rough Ridge Creek and tributaries
 — Little Jacob Creek (Sullivan County)
 — Left Prong Hampton Creek (Carter County)

1. Fishing permitted year-round.
2. Daily limit – 7 trout; no more than 3 may be brook trout
Possession limit – 14 trout; no more than 6 may be brook trout
3. Size limit – Rainbow and brown trout – no minimum length limit
Brook trout – 6 inch minimum length limit
4. Only single-hook artificial lures are permitted. Use or possession of bait or multiple hook lures is prohibited. One single-hook artificial lure separated from a legal lure by a length of line (for example: a dropper fly) is also permitted.
5. Fishing permitted from ½ hour before official sunrise to ½ hour after official sunset.
6. Each fisherman permitted only one rod or pole.

C. Calderwood Reservoir

1. Appropriate licenses from Tennessee or North Carolina are legal on the entire reservoir while fishing from a boat.

2. Fishing permitted year-round.
3. Size limit – none.
4. Daily limit – 7 trout; possession limit – 14 trout
5. Trotlines and limblines prohibited.

D. Slickrock Creek

— That portion of Slickrock Creek which constitutes the boundary between the states of Tennessee and North Carolina.

1. Appropriate licenses from Tennessee or North Carolina are valid on this portion of Slickrock Creek.
2. Fishing permitted year-round.
3. Daily limit – 4 trout; possession limit – 8 trout.
4. Size limit – Rainbow, brown, and brook trout – 7 inches minimum.
5. Fishing permitted ½ hour before official sunrise and ½ hour after official sunset.
6. Only single-hook artificial lures are permitted. Use or possession of bait or multiple hook lures is prohibited. One single-hook artificial lure separated from a legal lure by a length of line (for example: a dropper fly) is also permitted.
7. Each fisherman permitted only one rod or pole.

E. All other streams in the Cherokee Wildlife Management Area not listed above.

1. Fishing permitted daily.
2. Daily limit – 7 trout; possession limit – 14 trout
3. Each fisherman permitted only one rod or pole.

F. Green Cove Pond

Fishing permitted year-round. Closed on Thursday and Friday (except when national or state holidays fall on Thursday or Friday) year-round.

1. Fishing limited to handicapped individuals (see Section XVI), children under age 13 and adults 65 years of age and older.
2. Tellico-Citico daily permit required year-round.
3. Season is open year-round.

4. Days closed – Thursday and Friday (except open on all state and national holidays and scheduled special organized handicapped or children fishing events).
5. Creel limit – 7 trout per day.
6. Size limit – no restrictions.
7. Hours open – ½ hour before sunrise to ½ hour after sunset.
8. Bait restrictions – no minnows.

SECTION IV. TROUT FISHING – SPECIAL REGULATIONS

A. Quality Trout Fishing Areas:

The areas listed below are designated as quality trout fishing areas and have regulations as described in a., b., c., and d. below.

1. Hiwassee River: That portion of the Hiwassee River from the L&N Railroad Bridge upstream to the U.S. Forest Service’s “Big Bend Parking Area”.
2. Watauga River: That portion of the Watauga River from Smalling Bridge downstream to the CSX Railroad bridge.
 - a. Daily limit – 2 trout; Possession limit – 2 trout.
 - b. Size limit – 14 inch minimum length.
 - c. Use or possession of any bait other than artificial lures is prohibited.
 - d. Trout less than 14 inches in length may not be possessed within quality trout fishing areas.

B. City of Gatlinburg:

1. Waters Open:

The taking of trout is permitted within the streams designated below and under the limits and during the times contained herein:

a. General Streams

- West Prong Little Pigeon River from Park Boundary to Gnatty Branch except those sections set aside as Children’s Streams.
- Dudley Creek from Park Boundary to West Prong Little Pigeon River, except those sections set aside as Children’s Streams.
- Roaring Fork upstream to the Park Boundary.
- Leconte Creek from Painter Branch to West Prong Little Pigeon River.

- b. Children's Streams (may only be fished by children 12 and under)
 - Leconte Creek from Painters Branch upstream to Park Boundary.
 - West Prong Little Pigeon River from 100 yards above entrance of Herbert Holt Park downstream to Gatlinburg By-pass Bridge.
 - Dudley Creek from Highway 441 Bridge to West Prong Little Pigeon River.

2. Season and Creel Limits:

- a. Fishing permitted year-round, except on Thursday, from ½ hour before official sunrise to ½ hour after official sunset.
 - 1) From December 1 through March 31:
 - (a) Possession of any trout shall be prohibited
 - (b) All trout caught must be immediately returned to the water
 - (c) Use or possession of bait is prohibited. Use or possession of any artificial lures other than single hook artificial flies, spinners, and spoons is prohibited. The use of one dropper fly having a single hook which is separated from a legal lure by a length of line is permissible.
 - 2) From April 1 through November 30:
 - (a) Daily creel limit shall be five (5) trout.
 - (b) Total possession limit shall not exceed twice the daily creel limit
 - (c) While fishing or when afield, possession of more than the daily creel limit shall be prohibited, regardless of whether the trout are fresh, stored in an ice chest, in a vehicle, or otherwise preserved.
- b. Creel Limits
 - General Streams – the creel limit is five (5) trout per day.
 - Children's Streams - the creel limit is two (2) per day for children twelve (12) and under.
- c. Methods: Fishing is permitted with one hand-held rod and single hook only.
- d. Daily Fees
 - 1) In addition to the State licensing requirement, all Tennessee Residents ages 9 through 64 must possess a special Gatlinburg daily permit. The permit fee is \$2.00; provided that a non-resident may purchase a 1-day all inclusive permit, in lieu of the normal license/permit combination for a total fee of \$10.00. Non-residents under the age of 9 are exempt from the Gatlinburg daily permit.

C. Dale Hollow Reservoir

- 1. April 1- October 31 – Daily creel limit – 7 trout
No more than 2 may be lake trout – no size limit
- 2. November 1 – March 31 – Daily creel limit – 2 trout
Minimum size limit – 22 inches

D. Horse Creek (Greene County)

That portion from the U.S. Forest Service boundary line upstream to the junction of Squibb Creek.
Creel limit: 7 per day except from May 1 – September 30, when the limit is 2 per day.

E. South Fork of the Holston River

From the South Holston Dam to Highway 37 Bridge at Bluff City

— 16-22 inch slot (protected length range) – 7 trout, only 1 of which can be over 22 inches.

- F. Delayed Harvest Areas: In the areas listed below, the harvest or possession of trout will be prohibited during the catch-and-release season. During the catch-and-release season, only artificial lures are permitted and the use or possession of bait is prohibited.
1. Paint Creek – Paint Creek Campground downstream to mouth at French Broad River.
Catch-and-release season – October 1 through the last day of February.
 2. Tellico River – Mouth of Turkey Creek upstream to mouth of North River. Catch-and-release season will be from October 1 through March 14.
- G. Big Creek, Goforth Creek, Sheeds Creek, Spring Creek, and Sylco Creek and their tributaries in Polk County.
- Closed to fishing on Fridays from March 1 to July 1 (except state and national holidays)
 - Only a single hook lure or a baited single hook is allowed. Use or possession of multiple hook lures or bait is prohibited.
 - Fishing permitted ½ hour before official sunrise to ½ hour after official sunset.
 - The possession of fishing equipment or tackle is prohibited on stream banks except during legal fishing hours.
- H. Hiwassee River from Appalachia Powerhouse to U.S. Forest Service’s “Big Bend Parking Area”. 14 inch minimum length limit for brown trout, 2 fish daily limit. Does not affect current quality trout fishing area regulations.
- I. Caney Fork River and its tributaries from Center Hill Dam to Cumberland River – 18 inch minimum length limit for brown trout, 2 fish daily limit.

SECTION V. WILDLIFE AGENCY LAKES AND WILDLIFE MANAGEMENT AREAS

- A. Lakes in the Wildlife Agency Lakes Management System are: Coy Gaither, Bedford, Browns Creek, Carroll, Davy Crockett, Humboldt, Garrett, Gibson County, Graham, Herb Parsons, Laurel Hill, Maples Creek, Marrowbone, VFW, Whiteville, Williamsport, Glenn Springs, and Reelfoot- Indian Creek Watershed Lakes.
- B. Seasons, Creel Limits, Size Limits and Hours of Operation
1. Unless noted in Section II, Wildlife Agency Lakes are open year-round. Lakes will be open ½ hour before official sunrise to ½ hour after official sunset. Only authorized personnel may be on Agency Lake property during closed hours, except that Garrett lake is open 24 hours.
 2. Creel and Size Limits:

Statewide limits apply except as listed below:

	DAILY LIMIT	MINIMUM LENGTH
Catfish (blue and channel combined).....	5	
from Bedford, Laurel Hill, Williamsport Lakes.....	5	14"
Black bass (all species)		
from Williamsport Lakes.....	1	20"
from Glenn Springs, Marrowbone, Bedford, and Gibson County	5	14-18" slot*
*only 1 bass per day greater than 18"..		
from Lake Graham, Herb Parsons, Laurel Hill.....	10	14-18" slot
*only 1 bass per day greater than 18"..		
from Davy Crockett Lake.....	10	
from Browns Creek Lake.....	5	16-21" slot*
*only 1 bass per day greater than 21"		
Bluegill and redear sunfish (combined):		
from Laurel Hill, Bedford, Gibson County, Glenn Springs, Williamsport Lakes...	20	

- C. Williamsport Lakes:
 Whipporwill Lake is “youth fishing” only. Only youths 16 and under and an accompanying adult may fish.

- D. Laurel Hill Lake: The embayment above the road that lies between the concession building and the campground is a “youth fishing” only fishing area. Youths 16 and under may fish.

- E. Methods for Wildlife Agency Lakes:
 - 1. Except for jug fishing as listed below, only rods and reels, poles, and hand-held lines may be used.
 - 2. Jug fishing will be permitted daily from April 1 through September 30 except Saturday, Sunday, Memorial Day, Independence Day, and Labor Day, and daily from October 1 through March 31. Jugs are limited to ten (10) per boat. Jugs must be marked with the owner’s name and address.

- F. Bridgestone/Firestone Centennial Wilderness WMA Ponds are designated as “youth fishing” ponds. Fishing is permitted for youths 16 years of age or younger who are accompanied by a non-fishing adult (18 years of age or older). Youths are limited to using one (1) pole or rod while fishing. The ponds will be open on Tuesdays, Thursdays, and Saturdays only, fishing during daylight hours only, beginning with Tennessee’s Free Fishing Day through Labor Day.

Daily creel limits: Bluegill – 10
 Channel catfish – 5
 Largemouth bass – 0 (catch and release only)

- G. Egret and Heron Ponds at Williamsport, and the nursery ponds at Laurel Hill Lake are closed to fishing.

SECTION VI. DEPARTMENT OF ENVIRONMENT AND CONSERVATION MANAGED LAKES

Statewide fishing regulations apply on lakes managed by the Tennessee Department of Environment and Conservation except as listed below:

Black bass from the following lakes must be a minimum of 15":

- Falling Water (Burgess Falls) Lake, Burgess Falls Natural Area
- Lake Lajoie, Chickasaw State Park
- Lake Placid, Chickasaw State Park
- Byrd Lake, Cumberland Mountain State Park
- Lake Lindsey, David Crockett State Park
- Fall Creek Lake, Fall Creek Falls State Park
- Sullivan's Pond, Ft. Pillow State Historic Area
- Indian Mt. "B" Lake, Indian Mountain State Park
- Acorn Lake, Montgomery Bell State Park
- Creech Hollow Lake, Montgomery Bell State Park
- Kelly (Standing Stone) Lake, Standing Stone State Park

Black bass from:

- Big Ridge Lake, Big Ridge State Park, must be a minimum of 14"
- Poplar Tree Lake, Meeman-Shelby Forest State Park, 14"-18" PLR (slot limit)
- Travis McNatt Lake, Big Hill Pond State Park, daily creel limit of 10 bass (no size limit)

Black bass fishing on the following lakes is restricted to catch-and-release only; i.e., all black bass caught must be immediately released unharmed:

- Lake Woodhaven, Montgomery Bell State Park

Channel or blue catfish or in combination:

- Daily creel limit of 5

Crappie (white and black combined):

- Daily creel limit of 30
- No minimum size limit

Bluegill and redear sunfish in combination:

- Poplar Tree Lake, Meeman-Shelby Forest State Park – Daily creel limit of 20 fish

SECTION VII. SPECIAL REGULATIONS ON LAKES CONTROLLED BY NON-STATE GOVERNMENTAL AGENCIES

- A. Casper Lake (Shelby County) – the minimum size limit on black bass is 16" and the daily creel limit is 2.
- B. New Lake (Lewisburg) – Black bass: Creel limit – 5; minimum length – 13". No minimum length limit on crappie. Open ½ hour before official sunrise to ½ hour after official sunset. Only rods and reels and cane poles are permitted.

SECTION VIII. MINNOWS

- A. The catching of minnows for the purpose of sale is prohibited in Cannon, Lincoln, Macon, Moore, Smith, Sumner, and Trousdale counties. The possession limit for minnows taken from streams in the above counties is 150 in Cannon, Macon, Smith, Sumner, and Trousdale; 250 in Lincoln and Moore. It shall be unlawful to sell, take for sale, or offer for sale hornyhead minnows (stonerollers) in Carter, Unicoi, Washington, Johnson, Sullivan, and Morgan Counties.
- B. Minnow traps and seines as defined below may be used to catch minnows subject to all laws and regulations governing the catching of minnows.
1. A minnow trap is hereby defined as a device used for the purpose of catching minnows. The mouth opening or openings shall not exceed one and one-half (1 ½") inches in diameter.
 2. A minnow seine is hereby defined as a net having a mesh size no greater than three-eighths (3/8) of an inch on the square, and no greater than ten (10) feet in length.

SECTION IX. TURTLES

- A. Species, Creel and Size Limits, and Seasons
1. Only the Common Snapping Turtle – *Chelydra serpentina serpentina* – may be legally taken.
 2. All turtles listed as endangered or threatened or listed as “In Need of Management” as proclaimed by the Tennessee Wildlife Resources Commission may not be taken, and include:
 - Bog Turtle – *Clemmys muhlenbergi*
 - Alligator Snapping Turtle – *Macrochelys temminckii*
 - Cumberland Slide – *Trachemys (Pseudemys) scripta troosti*
 3. The season is open year-round.
 4. The daily limit is 5. The possession limit is twice the daily creel limit. Only the daily creel limit may be possessed while afield.
 5. The minimum legal length for the common snapping turtle is 12 inches. For purposes of this proclamation, the length of a turtle is determined by measuring the carapace (upper shell) from front to back.
 6. Turtles may be taken by all legal sport fishing methods except archery and spear guns.

Additionally, sport fishermen may take turtles by the use of up to three hoop nets having a minimum mesh size of three-inches (3") on the square in Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Houston, Humphreys, Lake, Lauderdale, McNairy, Madison, Obion, Perry, Shelby, Stewart, Tipton, and Weakley counties. Each net must be marked with the name and address of the owner. Each net must be set so that a portion of the catch area is above the water.
 7. It shall be unlawful to possess while afield any turtle which has been altered to the extent that its

species and/or length cannot be determined.

8. At the Reelfoot Wildlife Management Area, all sizes and species of turtles except box turtles and those in Item 2. above may be taken year-round with a daily limit of 5 by legal sport fishing methods.

SECTION X. GIGGING, GRABBLING, GRAB HOOKING, SNAGGING, TUBBING, ARCHERY, SPEAR-GUN FISHING, DIPPING, AND CAST NETTING.

- A. Season open year-round except as noted below.
- B. All waters open except:
 1. Within 100 yards below dams except at Pickwick the closed area will extend downstream to the first moorage cell located across from the boat launching ramp. At John Sevier Steam Plant the discharge channel is also closed. Dipping and cast netting are excluded from this restriction.
 2. Those areas closed to fishing listed in Section II.
 3. All waters closed by separate proclamation.
 4. Norris Reservoir between River mile 32 (Point 15) and the highway 25E Bridge on the Powell River Arm and between River Mile 137 (Point 31) and the Highway 25E Bridge on the Clinch River Arm from January 1 through April 30. Cast netting is excluded from this restriction.
 5. Watauga Reservoir Tributaries – Closed from January 1 to April 30. The Elk River in Carter County from the Highway 321 Bridge downstream to RM3.0 (Point 11) on the Elk River Arm of Watauga Reservoir, Doe Creek (Old Cabin Private Road downstream to Roan Creek), Roan Creek (Mountain Lake Estates Bridge downstream to Doe Creek), and Watauga River (NC line downstream to end of Cownstown Road). Cast netting is excluded from this restriction.
 6. Snagging prohibited year-round on the South Holston tailwater (from South Holston Dam to the headwaters of Boone Reservoir) and Center Hill Reservoir.
 7. All streams in the following counties closed year-round to gigging, grabbing, grab hooking, tubing, archery, spear-gun fishing, and dipping, and are open to cast netting and snagging:

— Bedford	— Lawrence	— Maury
— Giles	— Lewis	— Wayne
— Hickman	— Marshall	
 8. East Fork Obey River and tributaries closed January 1 through April 30.
- C. Species which may be taken:
 1. Non-game species – See Section I.C.
- D. Methods Defined:
 1. Gigging: The taking of fish by means of hand-held pole or spear with a tip consisting of a single sharpened point or one or more sharpened barbed points; including, but not limited to gear known as the Hawaiian Sling.

2. Grabbling: The taking of fishes with the hands.
3. Grab Hooking: The taking of fishes using one more single, double, or treble hooks fastened directly to a pole or rod in such a manner that they are not separated from pole or rod by a length of line.
4. Snagging: The taking of fishes using one or more single, double, or treble hooks which are manipulated or jerked through the water in such a manner as to impale or hook fishes.
5. Tubbing: The taking of fishes using a tub or like device which has neither top or bottom.
6. Archery: The taking of fishes using long, recurve, and compound bows using arrows with barbed points; crossbows are prohibited.
7. Spear-gun Fishing: The taking of fishes using a spear-gun. A spear gun is any device designed to propel a spear through water and is drawn or held by mechanical device.
8. Dipping: Taking of fishes using a dip net.
9. Cast Netting: The taking of fishes by throwing and retrieving a cast net having a maximum radius of 10 feet and with a mesh size (square measure) of not less than one-fourth (1/4") and not greater than one (1) inch.

SECTION XI. SLAT BASKETS

- A. A slat basket is defined as a device used for taking non-game fish only. Slat baskets may have only one outside funnel opening, and may be made of wood, plastic, or cane slats which are placed lengthwise and so constructed that there must be a minimum of four (4) openings in the catching area, each being at least 1 ½" wide and 6" long.
- B. Slat baskets as defined above and properly tagged shall be legal in all public waters except TWRA Managed Lakes.
- C. Season open year-round.
- D. Only non-game fish may be taken. See Section I.C.
- E. Only one basket tag will be issued to an individual.
- F. Possession or use of more than one slat basket is prohibited.

SECTION XII. TROT LINES, LIMBLINES AND JUGS

- A. Season open year-round except as noted in Section II and Section V.
- B. All waters open except as follows:
 - 1. Sport fishing trotlines, limblines, and jugs prohibited within 1,000 yards below any TVA or Corps of Engineers dam.
 - 2. Allen Branch Pond, Indian Boundary Lake, and Chilhowee (McKamy Pond) in Cherokee Wildlife Management Area closed to jug fishing and trotlines. Indian Boundary Lake is also closed to limblines.
 - 3. Trotlines prohibited in the Beech River Watershed Development Authority lakes, in the New Johnsonville Steamplant Harbor, and within 50 yards of the Danville Railroad Bridge dikes.
 - 4. Bards Lake on Land Between the Lakes closed to trotlines and limblines.
 - 5. Trotlines, limblines, and jugs prohibited on Norris Reservoir between River Mile 32 (Point 15) and the Highway 25E Bridge on the Powell River Arm between River Mile 137 (Point 31) and the Highway 25E Bridge on the Clinch River Arm from January 1 through April 30.
- C. Methods Defined:
 - 1. Trotline: A main line with drop lines to which single hooks are attached and baited in order to catch fish. Such drops must not be closer than 24 inches.
 - 2. Limblining: The use of no more than one hook on a single line suspended from a tree or shrub limb, or from a pole imbedded in or braced on the bank, with a maximum of 25 limblines per licensed angler.
 - 3. Jug Fishing: The use of a hook connected by a length of line to a floating buoy (jug).
- D. All species may be taken.
- E. Creel limit on game fish same as statewide; non-game species – no limit (except that no paddlefish may be harvested).
- F. Other Restrictions:
 - 1. Sport fishing trotlines, limblines, and jugs must be tagged and/or marked with the owner's name and address. On trotlines, the tag must be placed on the line within 5 feet of the bank, if the trotline is attached to a bank. On floating trotlines the information shall be marked on the floats. In all situations, the tag must be placed within 5 feet of either end. On limblines, the tag must be affixed to the line above the water level.
 - 2. Sport fishing trotlines, limblines, and jugs must be run at least once each day.

3. Sport fishermen limited to 50 jugs or blocks each except New Johnsonville Steam Plant Harbor and Bards Lake, where the limit is ten (10) jugs or blocks per sport fisherman and on Beech River Watershed Development Authority Lakes where the limit is twenty (20) jugs or blocks per boat. On Bards Lake, jugs are permitted only from October 1 through March 21.
4. Sport fishing trotlines, limblines, and jugs not fished according to these regulations are subject to be removed by Agency personnel.

SECTION XIII. SHAD TRAWLING

- A. Season: Year-round.
- B. Waters Open – All waters except within 1,000 yards below any dam.
- C. Method Defined: The taking of threadfin or gizzard shad using a trawl having a mesh size no larger than 1 inch, a hoop diameter no larger than 48 inches, and a net length no longer than 72 inches.
- D. Shad collected cannot be sold.

SECTION XIV. SPECIAL RESTRICTIONS

- A. Reelfoot Lake. During April and May, the use of gasoline engines to propel boats in selected areas of Reelfoot Lake as posted by TWRA signs is prohibited.
- B. Center Hill Reservoir
 1. On the upper end of Center Hill Reservoir including Caney Fork River beginning at Rock Island State Park boat launching ramp and extending upstream to Great Falls Dam, anglers are restricted to the use of one hook having a single point or one lure having no more than one hook with a single point (artificial or bait) during the period from January 1 through April 30. No more than 3 rods and reels or poles may be used.
- C. Dale Hollow Reservoir
 1. Compton Boat Ramp upstream to Hwy 52 bridge on the East Fork Obey River Arm, anglers are restricted to the use of one hook having a single point or one lure having no more than one hook with a single point (artificial or bait) during the period from January 1 through April 30.
 2. No more than 3 rods and reels or poles per boat angler and 6 rods and reels or poles per bank angler may be used.
- D. Watauga Reservoir Tributaries
 1. Anglers are restricted to the use of one hook having a single point or one lure having no more than one hook with a single point (artificial or bait) during the period from January 1 through April 30. The Elk River in Carter County from the Highway 321 Bridge downstream to RM 3.0 (Pt. 11) on the Elk River Arm of Watauga Reservoir, Doe Creek (Old Cabin Private Road downstream to Roan Creek), Roan Creek (Mountain Lake Estates Bridge downstream to Doe Creek), and Watauga River (NC line downstream to the end of Cownstown Road).

- E. Umbrella Rig Restriction – Umbrella rigs are defined as an array of more than 3 artificial lures or baits (with or without hooks) used by a single rod and reel combination. If the hook size is 6 or larger, then only one lure or bait may have a hook and that hook must be a single hook.

SECTION XV. SPECIAL DEFINITIONS

A. Game Fish:

The following fish are designated as game fish:

Family – Centrarchidae

All fish in the family Centrarchidae, including those listed below and all hybrids, are designated as game fish.

Largemouth bass	<u>Micropterus salmoides</u> (Lacepede)
Smallmouth bass	<u>Micropterus dolomieu</u> (Lacepede)
Spotted bass	<u>Micropterus punctulatus</u> (Rafinesque)
Redeye bass	<u>Micropterus coosae</u> (Hubbs and Bailey)

White crappie	<u>Pomoxis annulris</u>
Black crappie	<u>Pomoxis nigromaculatus</u> (Lesueur)

Rock bass	<u>Ambloplites rupestris</u> (Rafinesque)
Warmouth	<u>Lepomis gulosus</u> (Cuvier)
Bluegill	<u>Lepomis macrochirus</u> (Rafinesque)
Redear sunfish	<u>Lepomis microlophus</u> (Gunther)
Longear sunfish	<u>Lepomis megalotis</u> (Rafinesque)
Green sunfish	<u>Lepomis cyanellus</u> (Rafinesque)
Flier	<u>Centrarchus macropterus</u> (Lacepede)
Redbreast sunfish	<u>Lepomis auritus</u> (Linnaeus)
Pumpkinseed	<u>Lepomis gibbosus</u> (Linnaeus)
Orangespotted sunfish	<u>Lepomis humilis</u> (Girard)

Family – Percichthyidae

Striped bass	<u>Morone saxatilis</u> (Walbaum)
Cherokee bass (Striped bass- White bass hybrid)	<u>Morone chrysops</u> (Rafinesque)
Yellow bass	<u>Morone mississippiensis</u> (Jordan and Eigenmann)

Family – Percidae

Walleye	<u>Stizostedion vitreum</u> (Mitchill)
Sauger	<u>Stizostedion canadense</u> (Smith)
Walleye-Sauger hybrid (Saugeye)	<u>Stizostedion</u> sp.
Yellow perch	<u>Perca flavescens</u> (Mitchill)

Family – Esocidae

All fish in the family Esocidae, including those listed below and all hybrids, are designated as game fish.

Muskellunge	<u>Esox masquinongy</u> (Mitchill)
Northern Pike	<u>Esox lucius</u> (Linnaeus)
Chain pickerel	<u>Esox niger</u> (Lesueur)
Grass pickerel	<u>Esox americanus</u> (Lesueur)

Family – Salmonidae

All fish in the family Salmonidae, including those listed below and all hybrids, are designated as game fish.

Rainbow trout	<u>Oncorhynchus mykiss</u>
Brown trout	<u>Salmo trutta</u> (Linnaeus)
Brook trout	<u>Salvelinus fontinalis</u> (Mitchill)
Lake trout	<u>Salvelinus namaycush</u> (Walbaum)
Ohrid trout	<u>Salmo letnica</u>

B. Non-Game Species:

All species except those listed as game fish and those proclaimed by the TWRC to be endangered, threatened, or in need of management.

C. Hooks Defined:

Hooks are defined as follows:

- Single hook – 1 point
- Double hook – 2 points
- Treble hook – 3 points

D. The use of rods and reels, poles, hand-held lines, and other devices and methods described in this proclamation are the only legal means of sport fishing.

E. Reservoir full pool level is the reservoir/stream boundary for harvest restrictions, unless otherwise noted.

F. Norris Reservoir:

For purpose of size restrictions on largemouth and smallmouth bass, extends upstream to the Highway 25E bridge on the Clinch River Arm and upstream to Gap Creek on the Powell River Arm.

G. Boone Reservoir:

For purpose of size restrictions on largemouth and smallmouth bass, extends upstream to the 11E Bridge at Bluff City on the South Fork Holston River Arm and upstream to the new Austin Springs Bridge on the Watauga River.

H. Cherokee Reservoir:

For purpose of size restrictions on largemouth and smallmouth bass, shall extend upstream to the John Sevier Dam.

I. Douglas Reservoir:

For purpose of size and creel restrictions on smallmouth bass and crappie, extends upstream to the ENCA dam on the Nolichucky River and to the mouth of the Pigeon River on the French Broad River.

J. Dale Hollow Reservoir:

For purpose of size and creel restrictions on smallmouth bass, extends upstream on the Wolf River arm to the South Ford Road Bridge near Sulphur Springs.

K. Handicapped – any person who is mentally impaired or physically impaired (including blindness) because of injury or disease, congenital or acquired, which permanently renders him/her so severely disabled as to be unable to move without aid of crutches or a wheelchair, or a person who has 80% permanent impairment of a hand or arm as determined by a physician using the standards outlined in the “Guide to Evaluations of Permanent Rating”, published by the AMA or other acceptable rating system.

L. Bait – any living or dead organism, or prepared substance designed to attract fish by taste or odor. For the purpose of this proclamation, bait includes, but is not limited to, fish, fish eggs, crayfish, worms, grubs, crickets, corn, cheese, bread, pork rinds, putty or paste-type products, and flavors or scents applied to or impregnated into artificial lures.

SECTION XVI. SHOOTING FISH AND TURTLES

Shooting fish and turtles with firearms is prohibited.

SECTION XVII. SALE OF FISH AND TURTLES

It is illegal to sell or offer for sale fish and turtles taken under authority of this proclamation.

SECTION XVIII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 03-19, dated November 17, 2003.

Proclamation 04-18 received and recorded this 7th day of December, 2004. (12-04)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 04-21 REGULATING SPRING WILD TURKEY HUNTING SEASONS AND BAG LIMITS

Pursuant to the authority granted by Tennessee Codes Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the following spring hunting seasons and bag limits for wild turkey hunting effective March 1, 2005.

SECTION I. GENERAL REGULATIONS

A. Prohibited Acts

Use of electronic calls or live decoys. Possession of agricultural grain on one's person while turkey hunting. The use of any type of food to feed or attract wild turkeys on WMAs. Shooting or stalking turkeys from a boat in Shelby, Dyer, Tipton, Lauderdale, Haywood or Obion counties. Calling or attempting to call wild turkeys using any call to mimic the sounds made by a wild turkey is prohibited from March 1st to the opening day of the spring turkey hunts on all WMAs.

A licensed turkey hunter, who has filled his bag limit or does not possess a valid permit for a quota hunt, may accompany another turkey hunter (except on WMAs where prohibited) and assist him in calling, but may not have a gun or bow in his possession.

B. Bag and Possession Limits 1

Statewide - One bearded turkey per day, not to exceed three per season,
(Includes turkeys taken on WMAs listed in Section III. D. below)

Wildlife Management Areas and Refuges (Except those WMAs listed in Section II.D)
One bearded turkey per hunt not to exceed two per season.

C. Shooting Hours - Thirty (30) minutes before sunrise to sunset

D. Checking Stations - All hunters must check in at the area checking station prior to hunting on AEDC, Catoosa, Cheatham, Chuck Swan State Forest, Laurel Hill, LBL, Meeman Shelby Forest State Park and Natural Area, Natchez Trace State Forest, Prentice Cooper State Forest, and Reelfoot WMAs. Hunters are also required to check out at the conclusion of their hunt. All turkeys harvested on the statewide hunt or on WMAs must be taken by the most reasonably direct route to the nearest county or WMA check station on the day harvested. The permanent kill tag required for the legal possession will be issued at the checking station.

¹ The total bag and possession limit shall not exceed four bearded turkeys per season on the statewide season and WMAs combined. Turkeys taken on Ft. Campbell, Chickasaw NWR, Lower Hatchie NWR, Reelfoot NWR and youth-only hunts are bonus birds and do not count toward the total season bag and possession limit.

SECTION II. STATEWIDE TURKEY HUNTING SEASONS AND BAG LIMITS

(Exclusive of WMAs and Refuges unless listed in Section III.D below)

- A. Statewide Turkey Season Dates – April 2 through May 15, 2005
- B. Statewide Youth - Only Hunt (ages 10 through 16) – March 26-27, 2005.
Each youth must be accompanied by a non-hunting adult who is not required to have a license. Bag limit - one bearded bird

SECTION III. WILDLIFE MANAGEMENT AREAS - SEASONS AND MISCELLANEOUS REGULATIONS

- A. Regular Managed Hunts (No Hunter Quota)-Bag Limit - One bearded turkey per hunt not to exceed two turkeys per spring season. (See Section I.B.)

AEDC	Four hunts: April 2-4, 8-10, 22-24, April 29 – May 1.
Catoosa	Six 3-day hunts: April 8-10, 15-17, 19-21, 26-28, April 29-May 1, May 3-5. One 2-day Youth-only hunt: April 23-24
Cheatham	Four hunts: April 2-4, 8-10, 20-24, April 28-May 1 One 1-day youth hunt: April 16
Ernest Rice	One 2-day Youth-only hunt: March 26-27.
Fall Creek Falls State Park	Two hunts: April 9-13, 14-17 (Archery Only).
Kyker Bottoms	Young Sportsman (ages 10-16): Same as Statewide Season Each youth must be accompanied by an adult who may also hunt.
Laurel Hill	Five hunts: April 2-4, 8-10, 15-17, 22-24, April 29-May 1.
LBL	Two 7-day hunts: April 18-24, April 25-May 1. Hunters harvesting a turkey on a LBL quota hunt (Sect. III.B) may not hunt on the April 18-24 hunt.
Meeman-Shelby Forest State Park and Natural Area	One 1-day Youth-only hunt: March 26.
Moss Island	One 2-day Youth-only hunt: March 26-27.
Natchez Trace State Forest	One 7-day hunt: April 25-May 1.

- North Chickamauga Creek (Natural Area Unit Only) Open with Statewide season except no hunting on Saturday or Sunday. Hunting ends at noon each day.
- Prentice Cooper State Forest Six 3-day hunts: April 5-7, 8-10, 12-14, 21-23, 26-28, April 29-May 1.
- Williamsport Two 3-day hunts: April 2-4, 15-17.
- Wolf River One 2-day Youth-only hunt: March 26-27.
- B. Quota Managed Hunts (Quota turkey permit required)-Bag Limit-One bearded turkey per hunt not to exceed two per spring season (See Sect. I.B.)
- Chuck Swan State Forest Seven 3-day hunts: April 2-4, 7-9, 14-16, 21-23, 28-30, May 5-7, 12-14. (125 hunter quota per hunt). Hunting ends at noon each day, hunters must be at check station by 1pm
- Ernest Rice One 2-day hunt: April 16-17. (30 hunter quota)
- Holly Fork One 2-day hunt: March 26-27. (4 hunter quota) Youth special populations only, ages 10-16. Youth special populations are determined by the TWRA and Tennessee Valley Authority (ie. life threatening medical condition, juvenile court trustee youth program). Youth must be accompanied by a non-hunting adult.
- LBL Two 2-day hunts: April 12-13, 16-17 (350 quota per hunt)
One 2-day Youth-only hunt: April 9-10 (300 hunter quota)
- Meeman-Shelby Forest State Park And Natural Area Three 3-day hunts: April 4, 6, 9 and April 11, 13, 16 and April 18, 20, 23 (50 hunter quota per hunt)
- Moss Island One 2-day hunt: April 16-17. (30 hunter quota)
- Natchez Trace State Forest Three 3-day hunts: April 8-10, 15-17, 22-24. 96 hunter quota per hunt (48 south of I-40 only and 48 north of I-40 only). Hunters must sign in and out each day they hunt.
- Oak Ridge Two 2-day hunts: April 9-10, 16-17. (125 hunter quota per hunt). Hunting ends at 2 p.m. daily, successful hunters must be at check station by 3 p.m. Scouting date for permit holders only April 2(6am to 2 pm) Hunts subject to cancellation for National security. Hunting area may be reduced.
- Reelfoot WMA and Black Bayou Refuge One 3-day hunt: April 15-17 (20 Hunter quota)

- | | |
|---------------------------------|---|
| Wolf River | Two 3-day hunts: April 8-10 (25 hunter quota) and April 22-24 (30 hunter quota). Hunting ends at noon each day and successful hunters must check birds at Wolf River Check Station by 1pm |
| Yuchi Refuge
(at Smith Bend) | Five three-day hunts: April 8-10, 15-17, 22-24, 26-28, May 3-5(10 hunter quota per hunt). Hunting ends at Noon EST. Walk-in only. No Access by Boat. |
- C. Special Managed Hunts (No Hunter Quota)
- | | |
|---|--|
| Cordell Hull (Wheel
Hunting Zone) ² | April 2-May 15. Wheel chair bound hunters only Bag Chair Bound Only limit – two turkeys either-sex per season |
| South Cherokee ³
and Foothills | April 2- May15 (Non-quota permit required)
Bag limit - one bearded turkey per day not to exceed 2 per season. Turkey counts in WMA bag limit.

March 26-27. -Youth-only (age 10 through 16) hunt to coincide with the statewide youth hunt. Bag limit is one bearded bird and counts as a statewide bird. |
| Fourth Fractional | April 2- May 15 (Archery only)
Bag limit – one bearded turkey per day not to exceed 2 per Season. Turkey counts in WMA bag limit. |
- D. Wildlife Management Areas and Refuges Open With Statewide Seasons and Bag Limits:

Alpine Mountain, Arnold Hollow, Bark Camp Barrens, Barkley (Units I and II), Bean Switch Refuge, Beaver Dam Creek, Big Sandy, (including Gin Creek), Bridgestone/Firestone, Browntown, Buffalo Springs, Camden (Units I and II), Cedar Hill Swamp, Chickamauga, Chickasaw State Forest, Cheatham Lake, Cold Creek Refuge, Cordell Hull, Cordell Hull Refuge, Cove Creek, Cove Mountain, Cypress Pond Refuge, Doe Mtn, Eagle Creek, Edgar Evins State Park, Flintville Hatchery, Gooch, Harmon's Creek, Haynes Bottom, Henderson Island, Hick Hill, Hickory Flats, Hop-in Refuge, Horns Bluff Refuge, Jarrell Switch, Jackson Swamp, John Tully, Keyes-Harrison, Lick Creek, Lick Creek Bottoms, Long Pond, Maness Swamp Refuge, MTSU, Mt. Roosevelt, New Hope, Nolichucky, Normandy, Obion River, Old Hickory (including Lock 5 Refuge), Pea Ridge, Percy Priest Unit I (archery only) and Unit II, Pickett, Rankin, Royal Blue, Standing Stone State Park, Sundquist, West Sandy, Tellico Lake (except McGhee-Carson and Niles Ferry Units), Tie Camp, Tigrett, Tumbleweed, Watts Bar, White Lake Refuge, White Oak, Yanalhi and portions of the Cherokee Forest WMA north of the Great Smoky Mtns. National Park are open to coincide with the statewide seasons and bag limits.

² Wheel Chair Only Hunting Zone – That portion of Cordell Hull WMA known as the Old Roaring Fork Camp-ground (as posted).

³ South Cherokee – portions of Cherokee Forest WMA south of Great Smoky Mountains National Park.

SECTION IV. NATIONAL WILDLIFE REFUGE HUNTS - Federal Permit required Bag Limit – One bearded turkey per season (counts as a bonus bird unless otherwise noted).

Chickasaw NWR	Three 3-day hunts: April 8-10, 15-17, 22-24 (50 hunter quota per hunt)
Lower Hatchie NWR	Three 3-day hunts: April 8-10, 15-17, 22-24 (25 hunter quota per hunt)
Upper Hatchie NWR	Same as statewide (counts in statewide bag)
Tennessee NWR and Cross Creeks NWR	April 2 – May 15 (counts in statewide bag) March 26-27 - Youth-only (age 10 through 16) hunt to coincide with the statewide youth hunt and bag limit.
Reelfoot NWR	One three-day hunt April 8-10. Hunter quota: Grassy Lake - 25, Long Point - 25.

SECTION IV. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 03-18 dated October 31, 2003.

Proclamation 04-21 received and recorded this 7th day of December, 2004. (12-03)



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning December 1, 2004 and ending December 31, 2004.


RILEY C. DARNELL
Secretary of State

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