

**RULES  
OF  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES**

**CHAPTER 0400-42-01  
GENERAL PROVISIONS**

**TABLE OF CONTENTS**

0400-42-01-.01	Purpose	0400-42-01-.04	Scope
0400-42-01-.02	Authority	0400-42-01-.05	Modifications and Exceptions
0400-42-01-.03	Commissioner	0400-42-01-.06	Review of Regulations

**0400-42-01-.01 PURPOSE.**

The purpose of these regulations is to provide guidelines for the interpretation and definition of, and to detail the intent of T.C.A. §§ 59-8-201 et seq. entitled "The Tennessee Surface Mining Law," hereinafter referred to as "the Law," in order that compliance will be uniform, orderly, and prompt.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.

**0400-42-01-.02 AUTHORITY.**

These regulations are issued under the authority of T.C.A. §§ 59-8-201 et seq. in which responsibility for the administration and enforcement of the Law, and the promulgation of necessary regulations is delegated to the Commissioner of the Department of Environment and Conservation.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.

**0400-42-01-.03 COMMISSIONER.**

The word "Commissioner" means the Commissioner of the Department of Environment and Conservation or his designees, i.e., the Director of the Division of Water Resources or his subordinates.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.

**0400-42-01-.04 SCOPE.**

These regulations establish general and specific rules for the reclamation of areas disturbed by surface mining operations (except limestone, marble, and dimension stone) including mining and reclamation procedures, revegetation of disturbed lands, and other matters pertaining to surface mining. Borrow pits, where the soil removed is to be used as fill material in construction, are not to be construed as surface mining as defined in these regulations.

**Authority:** T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.

**0400-42-01-.05 MODIFICATIONS AND EXCEPTIONS.**

In order to provide necessary flexibility in the administration of the Law and these regulations, the Commissioner may approve modifications or exceptions to these regulations consistent with the requirements of T.C.A. §§ 59-8-201 through 59-8-228 where special conditions warrant. All requests for

(Rule 0400-42-01-.05, continued)

modifications or exceptions shall be submitted to the Commissioner in writing.

**Authority:** *T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq.* **Administrative History:** *Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.*

#### **0400-42-01-.06 REVIEW OF REGULATIONS.**

As techniques in mining and reclamation develop, or new information becomes available, the Commissioner has the authority and discretion to incorporate improvements into the mining and reclamation procedures by altering these regulations or issuing new ones. These adjustments will become effective through addenda to these regulations which shall then have the force and effect of law.

**Authority:** *T.C.A. §§ 59-8-201 et seq. and 4-5-201 et seq.* **Administrative History:** *Original rule filed August 2, 2012; effective October 31, 2012. Rule renumbered from 0400-03-01.*