

**Attachment 2**  
**Permit by Rule – request for a public hearing**

From **Chuck Head** <Chuck.Head@tn.gov>  
to Louise Gorenflo <lgorenflo@gmail.com> hide details 7/1/09  
date Wed, Jul 1, 2009 at 11:32 AM  
subject Re: Permit by Rule Criteria

Ms. Gorenflo, I apologize for the length of time between your e-mail and my response to your inquiries.

In your e-mail and in our conversation you asked questions regarding the permitting process and whether all permit request required a public notice and public comment period before the Department makes a decision to approve/deny a permit application request. You also requested a public hearing to determine if permit application received by the Department from Smith Mountain Solutions was either a permit application or a permit by rule application.

Regarding whether the permit application submitted by Smith Mountain Solutions for the Cumberland Coal site is either a Class II Permit Application or a Permit-by-Rule application is under evaluation by the Department. Once a decision has been made, we will inform you of our decision. We will also provide you with a response regarding your request for a public hearing on the decision of whether the Smith Mountain Solutions site should be permitted as Class I or II landfill or if it falls under the permit-by-rule umbrella.

I have attached a copy of our Solid Waste management regulations. I have highlighted areas in the rules pertaining to permit applications and processes.