

**RULES  
OF  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**CHAPTER 0400-01-01  
PUBLIC RECORDS AND FEES AND CHARGES FOR CERTAIN DEPARTMENTAL SERVICES**

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**0400-01-01-.01 PUBLIC RECORDS.**

(1) Purpose

The purpose of this rule is to establish the process by which the Department will provide access to its public records pursuant to the TPRA. Personnel of the Department shall provide timely access and assistance to persons requesting to inspect or receive copies of public records. No provision of these rules shall be used to hinder access to the Department's public records. The public records of the Department are presumed to be open for inspection unless otherwise provided by law. However, the confidentiality, integrity, and organization of records, as well as the efficient and safe operation of the Department, shall be protected.

(2) Definitions

"Department" means the Tennessee Department of Environment and Conservation.

"OORC" means the Tennessee Office of Open Records Counsel.

"Public records" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. Public records do not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record.

"Public Records Request Coordinator" and "PRRC" mean the individual designated by this rule who has the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The Public Records Request Coordinator may also be a records custodian. The term also includes the Public Records Request Coordinator's designee.

"Records custodian" means the office, official, or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.

"Requestor" means a person seeking access to a public record, whether it is for inspection or duplication.

"TPRA" means public records laws compiled in T.C.A. Title 10, Chapter 7, Part 5, often referred to as the Tennessee Public Records Act.

(3) Requesting Access to Public Records

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

- (a) Except as described in this subparagraph, public records requests shall be submitted to the PRRC to ensure the requests are routed to the appropriate records custodian and fulfilled in a timely manner. Public records requests may be submitted to the PRRC using the contact information set forth in part (4)(a)3. of this rule. However, if a requestor submits a public records request directly to a records custodian, the records custodian may fulfill the request without submitting the request, response, or records through the PRRC if:
    - 1. Responding will not incur charges under this rule or the Schedule of Reasonable Charges issued by the OORC; and
    - 2. The records custodian is reasonably certain that the information or records are not confidential.
  - (b) Requests for inspection only may be made orally to a records custodian or the PRRC or submitted in writing using the Public Records Request Form, found in paragraph (8) of this rule, or a substantially similar form provided by the Department, completed in accordance with the instructions, and submitted to the PRRC. If the request is made orally, as a best practice, the PRRC should request a mailing or electronic mailing address from the requestor for providing any written communication required under the TPRA.
  - (c) Requests for copies, or requests for inspection and copies, shall be made in writing using the Public Records Request Form, found in paragraph (8) of this rule, or substantially similar form, completed in accordance with the instructions therein, and submitted to the PRRC.
  - (d) The Department may require any person making a request to view or make a copy of a public record to present a government-issued photo identification, if the person possesses photo identification, that includes the person's address. If a person does not possess photo identification, the Department may require other forms of identification acceptable to the Department.
  - (e) The Department is not required to sort through files to compile information or to create or recreate a record that does not exist. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the Department to identify the specific records to be provided for inspection and copying. A potential requestor who is uncertain of either how to sufficiently identify records or if certain records exist may contact the PRRC or other appropriate Department personnel for assistance prior to submitting a records request. The Office of General Counsel represents the Department in matters related to public records requests.
- (4) Responding to Public Records Requests
- (a) Public Records Request Coordinator
    - 1. The PRRC, or a records custodian fulfilling a request in accordance with subparagraph (3)(a) of this rule, shall review public record requests and make an initial determination of the following:
      - (i) If the requestor identified himself or herself as a Tennessee citizen;
      - (ii) If the records requested are described with sufficient detail to enable the Department to identify the specific records that are to be provided; and

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

- (iii) If the Department is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
- (i) Advise the requestor of the requirements of this rule for obtaining public records, if the requirements have not been met.
  - (ii) Deny the request in writing using the Public Records Request Response Form developed by the OORC (the "Response Form"), or a substantially similar form, providing the appropriate ground, including but not limited to the following:
    - (I) The requestor is not, or has not presented evidence of being, a Tennessee citizen.
    - (II) The request lacks sufficient detail to identify the specific records to be provided for inspection or copying.
    - (III) An exemption or other law makes the record not subject to disclosure under the TPRA. The specific exemption or other law will be provided to the requestor in accordance with the TPRA.
    - (IV) The Department is not the custodian of the requested records.
    - (V) The records do not exist.
  - (iii) Contact the requestor to discuss modification or clarification of the request.
  - (iv) Forward the records request to the appropriate records custodian in the Department.
  - (v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. (i) The title of the PRRC is "Tennessee Department of Environment and Conservation, Public Records Request Coordinator." The PRRC's contact information is:
- Tennessee Department of Environment and Conservation  
312 Rosa L. Parks Ave., 2<sup>nd</sup> floor  
Nashville, TN 37243  
615-532-0109  
TDEC.Public.Records.Request@tn.gov  
<https://www.tn.gov/environment/contacts/public-records-request.html>
- (ii) Any changes to the contact information will be posted on the Department's website.

(b) Records Custodian

1. Upon receiving a public records request for inspection or copies, a records custodian shall promptly make the requested public records available in accordance with T.C.A. § 10-7-503. If the records custodian is uncertain as to

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

whether an applicable exemption or other law would apply to make requested records confidential, the records custodian shall consult with the PRRC.

2. If it is not practicable for the records custodian to promptly provide the requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are subject to confidentiality requirements; to redact records; or for other similar reasons, then a records custodian shall contact the PRRC to discuss the reason(s). The PRRC shall send the requestor a completed Response Form within seven business days from the date the Department received the request and provide the reason(s) additional time is needed to respond to the request.
3. If the Department intends to deny a public record request, the records custodian shall coordinate with the PRRC. If the PRRC determines that grounds for denial exist, the PRRC shall deny the request in writing as provided in subpart (a)(2)(ii) of this paragraph using the Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the Department shall use the Response Form, to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If the Department deems it appropriate, the PRRC may contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records that existed at or before the time of the records request and that are responsive to the records request but were omitted from the Department's response to the records request, the Department shall contact the PRRC to explain the omission, and the PRRC shall contact the requestor concerning the omission and produce the records as quickly as practicable.

(c) Confidential Records and Redaction

1. Records that are designated by law as confidential, including but not limited to records designated as confidential under T.C.A. § 10-7-504, shall not be open for public inspection.
2. In accordance with T.C.A. § 10-7-504(a)(21)(A)(i), the following records, and any other records determined by the Department to allow a person to identify areas of structural or operational vulnerability of a utility service provider or permit unlawful disruption to, or interference with, the services provided by a utility service provider, shall be treated as confidential and shall not be open for public inspection:
  - (i) The latitude and longitude coordinates of public water system wells, intakes, water mains, water tanks, valves and GIS analyses derived from these data;
  - (ii) Records pertaining to the delineation of source water protection areas; and
  - (iii) Records pertaining to well head protection areas and inventories of significant potential contaminant sources.

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

3. If a record contains confidential information or information that is not open for public inspection, the Department shall prepare a redacted copy prior to providing access to the record. However, if the entire record is confidential, then it shall not be deemed a public record and shall not be produced. Whenever a redacted record is provided, the PRRC should provide the requestor with the basis for redaction, which shall be general in nature and not disclose confidential information. The redaction of confidential information shall not constitute the creation of a new record. Costs associated with redacting records, including the cost of copies and staff time to provide redacted copies, shall be borne as provided by law.

(5) Inspection of Records

- (a) The Department will not charge for inspection of the Department's public records.
- (b) The PRRC or records custodian shall promptly respond to a public records request for inspection. The time and location for inspection of records within the offices of the Department should be coordinated with the PRRC or records custodian.

(6) Copies of Records

- (a) The PRRC or records custodian shall promptly respond to a public records request for copies.
- (b) Copies will be available for pickup at a location specified by the records custodian or PRRC.
- (c) If records are available in electronic form and the requestor agrees, the Department may provide such records via electronic mail, a web-based sharing platform, or other means to reduce costs and delivery time. Otherwise, copies will be shipped to the requestor's address.
- (d) A requestor may make copies of public records with personal equipment, if the equipment does not require contact with the record. However, the Requestor shall not connect any personal equipment directly to a Department computer, including, but not limited to, utilizing a flash drive, in order to make copies of public records.

(7) Fees and Charges and Procedures for Billing and Payment

(a) Production Costs

Upon a request for records under the TPRA, the Department shall charge the requestor a reasonable charge for production costs, including labor, duplication, and delivery, based on the most current Schedule of Reasonable Charges issued by the OORC, available at the website of the OORC. If a public record has commercial value as that term is described by T.C.A. § 10-7-506(c), the Department shall charge the requestor an additional fee in accordance with the procedure set out in Rule 0400-40-01-.02.

(b) Payment of Production Costs

The Department shall provide the requestor an estimate of the production costs, including labor, duplication, and delivery, before the initial production of the requested records. The Department shall require the requestor to provide full payment of the production costs, including postage if applicable, before copies of the requested records are delivered or otherwise made available.

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

(c) Waiver of Production Costs.

1. The Department shall waive the production cost if the total production cost, including labor, duplication, and delivery, is less than \$50.
2. When the requestor is a federal, state, or local government agency, the Department may produce the requested copies of public records without charge if the Commissioner determines that the production is in the best interest of the public. A request made by a federal, state, or local government agency on behalf of a citizen under the TPRA shall be treated as a request by a citizen and charged accordingly.
3. The Department will not charge for the first hour of labor for each request unless the requests are aggregated as provided in subparagraph (e) of this paragraph.

(d) Reduction of Fees.

The Commissioner may reduce any part of the fees calculated under these rules upon the Commissioner's determination that the reduction is in the best interest of the public.

(e) Aggregation of Frequent and Multiple Requests

1. The Department will aggregate requests for inspection or copies of records in accordance with the Reasonable Charges for Frequent and Multiple Request Policy promulgated by the OORC when four or more requests are received within a calendar month either from a single individual or from a group of individuals deemed by the Department to be working in concert.
2. Records requests will be aggregated at the Department level.
3. The PRRC is responsible for making the determination that a group of individuals is working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to seek review from the OORC.
4. Public records requests involving routinely released and readily accessible records may be excluded from aggregation. However, a requestor will be encouraged to search for such records online prior to submitting a public records request.
5. Once a requestor makes four or more requests in a calendar month, the Department is no longer required to deduct one hour from the labor cost. The Department will deduct one hour of labor cost for each of the first three requests in a calendar month.

(8) Public Records Request Form

PUBLIC RECORDS REQUEST

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access records made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

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

Many of the Department’s public records are available via online data viewers or public notice web pages. Potential requestors are encouraged to check these online sources for the availability of desired public records before submitting a public records request.

To: Public Records Request Coordinator, Tennessee Department of Environment and Conservation,  
312 Rosa L. Parks Ave., 2nd floor, Nashville, TN 37243 or email to:  
TDEC.Public.Records.Request@tn.gov

From: \_\_\_\_\_  
Requestor’s Name and Contact Information

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection  
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and production costs in an amount not to exceed \$ \_\_\_\_\_? If so, initial here: \_\_\_\_\_.

Delivery preference:  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other: \_\_\_\_\_

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Requestor and Date Submitted  
CN-[ ]

**Authority:** T.C.A. §§ 4-5-201, et seq., 10-7-503; 10-7-504(a)(21); 11-1-101; 11-1-108; and 68-203-103.  
**Administrative History:** Original rule filed June 14, 2010; effective September 12, 2010. Amendment filed June 27, 2012; effective September 25, 2012. Amendments filed February 16, 2017; effective May 17, 2017. Amendment filed December 6, 2017; effective March 6, 2018. Amendments filed March 6, 2019; effective June 4, 2019.

**0400-01-01-.02 MISCELLANEOUS FEES.**

(1) Purpose

The purpose of this Rule is to establish a process for assessing fees and charges for certain departmental services. Pursuant to T.C.A. § 11-3-302, fees and charges related to park operations shall be placed in the state park fund. Pursuant to T.C.A. § 68-203-101, fees and charges, for the environmental programs listed in subsection (b) of that statute, shall be placed in the Tennessee Environmental Protection Fund.

(Rule 0400-01-01-.02, continued)

(2) Assessment of certain fees and charges

To defray the cost of park operation and the administration of environmental regulatory programs, the Commissioner shall establish fees and charges as are necessary to make the department as self-sufficient as possible. The Commissioner may set fees and charges for:

- (a) Revenue-generating facilities, including marinas, campgrounds, golf courses, cabins, gift shops, restaurants;
- (b) Miscellaneous services provided by the Department; and,
- (c) Regulatory functions and services provided for which fees are not otherwise specified in statutes or rules.

(3) In setting such fees and charges the Commissioner shall consider:

- (a) Maintenance costs;
- (b) Short and long term operational cost;
- (c) Mileage;
- (d) Lab expense;
- (e) The State's current overhead rate;
- (f) Costs billed to the State by contractors and consultants; and,
- (g) A reasonable portion of the amount expended by the Department in gathering and posting data, computer program development cost, etc.

**Authority:** T.C.A. §§ 11-1-101, 11-1-108, and 68-203-103. **Administrative History:** Original rule certified May 24, 1974. Original rule filed June 14, 2010; effective September 12, 2010.

**0400-01-01-.03 STATE PARKS ENTRANCE FEES AND PARKING FEES.**

(1) Purpose.

This rule is promulgated for the purpose of establishing entrance fees and parking fees to provide funding to maintain and improve the quality of facilities and services offered to all patrons of Tennessee State Parks System. It is the commissioner's intent that funds raised pursuant to this part rule will remain exclusively within the Tennessee State Parks System.

(2) Entrance Permit Required.

All persons who enter a Designated Fee Area within the Tennessee State Parks System must have a valid entrance permit. Permits may be obtained at all Parks Visitor Centers and other locations designated by the commissioner.

(3) Designated Fee Area.

An area is a "Designated Fee Area" if the entrances to the area are so posted. Such postings may include the portion of the calendar year for which fees shall be charged and shall specify



(Rule 0400-01-01-.03, continued)

where entrance permits may be obtained. Any person who fails to obtain a permit as directed shall be subject to enforcement pursuant to Rule 0400-02-01-.04.

(4) Types of Permits.

(a) Complimentary Permit. Entrance permits shall be provided free of charge to the following persons:

1. Any person taking part in an organized tour or outing conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. (Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. Waivers granted on this basis will include all participating students and instructors, as well as accompanying non instructor chaperones;
2. Any person conducting State, local, or Federal government business within any Designated Fee Area;
3. Any person who has not reached thirteen (13) years of age; or
4. Any person performing approved volunteer projects/work in a State park.

(b) Tennessee State Parks Passport.

1. The Tennessee State Parks Passport is valid for admission to any Designated Fee Area.
2. The charge for the Tennessee State Parks Passport shall be determined by the Commissioner.
3. Except as provided in part 4. of this subparagraph, the Tennessee State Parks Passport shall be valid for one year from date of purchase.
4. For an additional fee, not to exceed thirty (30) dollars, as determined by the Commissioner, a Tennessee State Parks Passport that is purchased by a person sixty-five (65) years of age or older shall be valid for the lifetime of that person.

(c) Single-Visit Permit.

1. A Single-Visit Permit shall be required for all persons not admitted by a Complimentary Permit or Tennessee State Parks Passport.
2. The charge for the Single-Visit Permit shall not be more than two dollars (\$2.00) per person. In lieu of this per person charge, the commissioner may establish a per vehicle charge. Any per vehicle charge established shall not exceed the total charge that would result if all passengers in the vehicle were charged on a per person basis.
3. A Single-Visit Permit shall be valid at the Designated Fee Area for which the permit is purchased during the same calendar day of purchase.

(5) Display and Nontransferability of Entrance Permits.

(Rule 0400-01-01-.03, continued)

- (a) Every permit shall be exhibited/displayed in the manner designated in the permit.
  - (b) Permits are nontransferable.
- (6) Parking Fees.
- (a) The Commissioner may charge a fee for the privilege of parking motor vehicles on State Park property. Such parking fees may be in addition to entrance fees.
    - 1. The parking fee for vehicles capable of carrying fifteen (15) passengers or less shall range between one dollar (\$1.00) and fifteen dollars (\$15.00) per day.
    - 2. The parking fee for vehicles capable of carrying more than fifteen (15) passengers shall range between ten dollars (\$10.00) and fifty dollars (\$50.00) per day.
    - 3. The Commissioner may establish weekly, monthly, or annual parking fees that do not exceed the daily rates.
  - (b) Areas where a parking fee is charged shall be clearly posted. The posted sign shall include the rate and directions for making payment.
- (7) Entrance Permits and Parking Fees Distinguished from Recreation Use Fees.
- Neither Entrance Fee Permits nor the payment of parking fees authorizes the use of any facility for which a recreation use fee is charged. These fees are in addition to all other fees (e.g., green fees, slip fees, etc).
- (8) The Commissioner may waive all or part of any fees otherwise due under this rule if he finds that such waiver is in the best interest of the park system. Such waivers may include the grant of free access on dates selected by the Commissioner, reduced group fees, special promotional fees, etc.

**Authority:** T.C.A. §§ 4-5-201, et seq.; 11-1-101, et seq.; 11-1-108; and 68-203-103. **Administrative History:** Original rule filed June 14, 2010; effective September 12, 2010. Amendment filed December 21, 2011; effective March 20, 2012.