



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.  
COMMISSIONER

BILL HASLAM  
GOVERNOR

MEMORANDUM

**TO:** Governor Bill Haslam  
Governor, State of Tennessee

Lt. Governor Ron Ramsey  
Speaker of the Senate

Speaker Beth Harwell  
Speaker of the House of Representatives

**FROM:** Robert J. Martineau, Jr., Commissioner  
Department of Environment and Conservation *RJM*

**DATE:** August 1, 2013

**RE:** Department of Environment and Conservation  
Environmental Permitting Efficiency Report

Tennessee Code Annotated (T.C.A.) 4-3-506 et. seq. requires the commissioner of the Department of Environment and Conservation (the Department) to submit electronically a report to the Governor and the General Assembly by February 1 and August 1 of each year on permitting efficiency. Our first Annual Environmental Permitting Report is attached with this memorandum.

The statute requires the Department to report statistics on all permit applications that have been submitted to the Department for each reporting period. There are two main reporting categories; (1) performing permit completeness review within regulatory time periods and (2) making final permit decisions for complete permit applications. This Annual Environmental Permitting report includes all permit applications that were on hand but not processed on July 1, 2012 and all permit applications submitted from July 1, 2012 thru June 30, 2013 that are subject to this statute.

In FY 2013, the Department reviewed 11,637 permit applications subject to a timetable for a completeness review determination. We made a completeness determination within applicable timetables on 95.7% of those applications within the required timetable. For final action on permits, of the 22,666 permit applications submitted, the Department acted on 20,189 (89%) within applicable timetables and 8.2% were not acted on within the applicable timetable. The other 2.8% of applications were under review, but the timetable had not yet expired as of July 1. Furthermore, of the 20,189 permit applications that were acted on within applicable timetables, 961 were delayed because of a statute change. When this is considered, the Department reviewed 93% of applications within applicable timetables.

For this report, the Department defined "permit" as any permit, license, certification, accreditation or registration with a specific regulatory time period for completeness review and/or a permit decision. The statute requires the Department to report:

1. The number of permit application completeness reviews performed within the time period specified by rule;
2. The number of permit completeness reviews that exceeded the regulatory time period;
3. The reasons permit application reviews were not completed within the regulatory time period;
4. Actions the Department will take to improve application completeness review time;
4. The number of permit application decisions the Department made within the regulatory time period;
5. The number of permit application decisions on which the Department exceeded the regulatory time period;
6. The reason permit decisions were not made within the regulatory time period;
7. The reasons that permit decision were not made within the regulatory time period; and
8. Actions the Department will take to improve the permit decision making process.

Attached with this memorandum is an electronic copy of the August 1, 2013 report. The Department will also post this report on its website, Please feel free to contact me or my staff if you have any questions.



**Tennessee Department of Environment and Conservation**  
**Fiscal Year 2012/2013 Environmental Permitting Report**  
**August 1, 2013**

**Robert J. Martineau, Jr., Commissioner**

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## **Tennessee Department of Environment and Conservation Environmental Permitting Report August 1, 2013**

### **Executive Summary**

The Tennessee Department of Environment and Conservation (the Department) is committed to protecting and improving the quality of Tennessee's air, land and water. Department programs and initiatives protect human health and the environment and support economic development, job creation and quality of life through education of citizens and the regulated community regarding natural resource issues, and effective implementation of state and federally delegated environmental laws.

Environmental permitting is an important component of the department's mission to protect Tennessee's natural resources and to preserve the quality of life that makes Tennessee an attractive place to work, live and play. Issuing protective environmental permits in a timely and consistent manner is critical to the success of our state's businesses and industries and Tennessee's efforts to be the best state in the southeast for high quality jobs.

In 2012, Tennessee Code Annotated 4-5-506 was amended (Appendix 1 provides the statutory language). This amendment requires the Department to provide the Legislature with two reports each year detailing our success with requirements for reviewing permit applications for completeness and approving/denying permit requests within time limits specified in rules of the different programs. In this report the term "permit" is used for all permits, licenses, registrations, certifications and accreditations. The Department is required to:

1. Report success in meeting the time limits to review permit applications for completeness (all required information the applicant is required to submit is included in the permit applications);
2. Report problems in meeting permit completeness review time limits;
3. Provide actions the Department will implement to improve efficiency in permit completeness reviews;
4. Report success in meeting the time limits to approve/deny complete permit applications;
5. Report problems in making permit decisions within permit application approval/denial time limits; and
6. Provide actions the Department will implement to make timely permit application decisions.

This is the Annual Report for Fiscal Year 2012-2013 (FY 2013); beginning July 1st, 2012 and ending on June 30th, 2013.

The information in this report demonstrates the success the Department has had in meeting the requirements for reviewing permit applications for completeness and making final permit decisions. For

permit applications subject to permit completeness review deadlines in Fiscal Year 2013, the Department reviewed 11,637 permit applications. The Department made 11,134 (95.7%) completeness determinations within the applicable regulatory time limit.

For complete permit applications subject to approval/denial in Fiscal Year 2013, the Department reviewed 22,666 permit applications. The Department approved/denied 20,189 permit applications (89%) within the timetables. The Department has 626 complete permit applications (2.8%) under review but the time limit to approve/deny the permit request has not expired. The Department did not approve/deny 1,851 (8.2%) permit applications within regulatory time limits.

It is important to note that 961 permit applications (4.2%) were not approved/denied within regulatory time limits due to a change in statute, specifically Public Chapter 1061 that requires the Department to verify, beginning October 1, 2012 the lawful presence of all license applicants in the United States. For U.S. Citizens, the application must be accompanied by a copy of one of the following: TN state-issued ID or driver's license, birth certificate issued by a U.S. state, valid unexpired U.S. passport, social security card, or another specific document that proves citizenship. If you are a Qualified Alien, the applicant's license application must be accompanied by two documents acceptable by the U.S. Dept. of Homeland Security's SAVE verification program. A license application cannot be approved or permit renewed without this information.

This statutory change primarily impacted persons applying for Subsurface Sewage Installer and/or Pumper licenses. Because this was a new requirement, many applicants did not submit the verification information with their permit application, even though the Department informed permit holders of the requirement when licensees were sent their annual license renewal application. This problem has been resolved and should not occur again. Without this problem, the Department would have approved/denied 21,097 permit applications (93.1%) within applicable regulatory time limits.

The Department has identified one environmental program with permitting responsibilities that need significant business process improvement, the Air Pollution Control Permitting Program. All other regulatory programs are performing well, however, as with all business processes there are opportunities for improvement in each environmental program.

The Department will review the permitting processes in the Air Pollution Control Program and identify business process and resource management methods that will improve efficiency in processing permit applications in this program. The solutions proposed to improve environmental permitting will be explained in the Air section of this report and summarized in the conclusions of the FY 2013 Annual Legislative Report.

This report provides excellent information about our successes in processing environmental permit applications in FY 2013. We look forward to receiving comments from the Tennessee Legislative delegation and all Tennesseans about this report and any ideas that will improve the quality of our environmental permitting processes and the Department's service to our customers.

**INTRODUCTION**

The Tennessee General Assembly adopted legislation in 2012 that amended Tennessee Code Annotated (T.C.A.) 4-3-501 et. seq., which established the Department of Environment and Conservation (the Department). The 2012 amendment, included as Appendix 1. requires the Department to report to the Legislature:

1. Statistics on the timeliness of the review of permit applications; and
2. Statistics on the timeliness of the issuance or denial of permits

There are 13 different sets of environmental regulations that require the Department to review permit applications for completeness within specific time limits and to approve/deny complete permit applications and modifications within specific time limits. These rules are set out in the following chart.

<b>Regulatory Citations for Permit Completeness Review and Permit Decisions</b>	
<b>Rule</b>	<b>Rule Number</b>
Solid Waste Regulations	Rules 0400-11-01 .01 thru .13
Hazardous Waste Regulations	Rules 0400-12-01-.01 thru .12
Hazardous Waste Regulations	Rules 0400-12-02 -.01 thru .3
Regulation of X-ray and Radioactive Materials	Rules 0400-20-05 -.01 thru .146
Certification of Hydrologic Professionals	Rules 0400-40-7 -.01 thru .04
Water Supply	Rules 0400-45-01 - .01 thru .40
Underground Injection Control	Rules 0400-45-06 -.01 thru .19
Safe Dams	Rules 0400-45-07 -.01 thru .10
Subsurface Sewage Disposal	Rules 1200-01-06 - .01 thru .34
Asbestos Accreditation	Rules 1200-1-20-.01 thru .08
Lead Based Paint Abatement	Rules 1200-1-18-.01 thru .06
Air Pollution Control	Rules 1200-3-01 thru 37
Water Pollution Control	Rules 1200-4-01 thru 14

Appendix 2 sets out the time frames applicable to each of the permits under these programs.

In this report, the data on permitting is presented in tables for each of the environmental programs that issue permits. The Permit Completeness Evaluation Table for each environmental program provides specific information about permit completeness review including:

1. The number and type of permit applications and modifications that were a part of our inventory on July 1, 2012;
2. The number and type of permit applications and modifications received from July 1, 2012 thru June 30, 2013;

3. The total number of permit applications and modifications that were subject to completeness review from the time period of July 1, 2012 through June 30, 2013;
4. The time limit the Department is allowed by statute and regulation to review permit applications and modifications and make permit completeness determinations;
5. The number of permit applications and modifications currently under completeness review but the time period for performing permit completeness determination has not ended;
6. The number of permit applications and modifications that were reviewed by the Department for completeness within the applicable regulatory time limits; and
7. The number of permit applications and modifications that were not reviewed by the Department for completeness within the applicable regulatory time limits.

The Permit Application and Modification Decision Table for each environmental program provides specific information about:

1. The number and type of complete permit applications and modifications that had been received but not acted upon as of July 1, 2012;
2. The number and type of complete permit applications and modifications received from July 1, 2012 thru June 30, 2013;
3. The total number of complete permit applications and modifications to be reviewed and approved/denied during FY 2013;
4. The time limit provided to the Department by statute and rule to approve/deny complete permit applications and modifications for each permit category;
5. The number of complete permit applications and modifications under review but the time limit to issue/deny the permit application has not expired;
6. The number of complete permit applications and modifications that were reviewed and approved/denied within the time limit set by statute and/or rule in FY 2013; and
7. The number of complete permit applications and modifications subject to review by the Department in FY 2013 but the Department exceeded the time limit set by statute and/or rule to approve/deny the permit request.

The information presented in the tables and the narrative for each environmental program provides a comprehensive view of the Department's effectiveness in meeting the statutory and regulatory requirements for environmental permitting, including the reasons time limits were missed and the actions the Department is pursuing to improve our permitting processes.



## **LAND**

The Divisions of Solid Waste Management and Radiological Health are responsible for issuing permits, licenses, registrations, certifications and accreditations as part of their regulatory duties. There are four different environmental programs that have responsibility to meet permitting time limits for permit completeness review and permit issuance/denial:

- Solid Waste;
- Hazardous Waste;
- Lead Based Paint and Asbestos; and
- X-ray equipment and Radioactive Materials

### **1. Solid Waste Program**

The Solid Waste Program issues permits for processing, storing, and disposing solid waste in Tennessee. EPA Region 4 has approved the Department's Solid Waste Program for solid waste disposal. The Department issues Solid Waste permits for Solid Waste Processing facilities, Convenience Centers, Composting Operations and Demolition, Industrial and Municipal Solid Waste Landfills. The Department also reviews and approves/denies requests to dispose of "special waste" in the landfills it regulates. The permits and special waste approvals issued by the Department for solid waste management are an integral part of preventing the illegal disposal of solid wastes in Tennessee and ensures that the facilities where solid waste is stored, processed or disposed are properly designed, constructed according to engineering design, operated according to the Solid Waste regulations, closed properly and then monitored after closure. Proper disposal of solid waste ensures protection of public health and the environment. Members of the regulated community pursuing either a new permit or modification of an existing permit are required to submit a permit application or modification to the Department and then receive permit approval from the Department before beginning construction or expansion activities at their facility. Under the Solid Waste regulations, the Department has specific time limits to review permit applications and modifications for completeness and specific time limits to decide whether to approve or deny permit applications and modifications.

Table 1. provides information documenting the Department's success for permit application and permit modification completeness review. Table 2. provides information documenting the Department's success for review of complete permit applications and permit modifications and making final permit approval/denial decisions.

#### **Permit Completeness Review**

For FY 2013, the Solid Waste Program reviewed 423 permit applications and permit modifications for completeness. Of the 423 permit completeness reviews, 418 were completed within regulatory time limits (98.8%), 2 permit applications (0.5%) remain under review but are still within the time period for permit completeness and 3 permit applications (0.7%) were not reviewed within the period for permit completeness review. The three permit applications in question were not reviewed for completeness within the regulatory time period because (1) the applicant did not provide all necessary data needed for 2 permit applications and (2) the Department had to complete a technical review of the permit application before it could be determined that the permit application was complete.

The Department reviewed 98.8% of all permit applications for completeness within the time limits set by statute and regulation. We believe the Department has a high degree of success meeting its regulatory timetable for Solid Waste permit completeness review. Table 1. Provides the data for this analysis

### **Permit Application Approval/Denial**

For FY 2013, the Solid Waste Program reviewed 416 permit applications and permit modifications to decide whether the permit application should be approved or denied. Of the 416 permit applications reviewed to determine whether a permit should be issued or denied, 413 permit decisions (99.3%) were made within regulatory time limits. For 3 complete permit applications (0.7%), a decision to issue/deny the permit request was not made within their respective regulatory time limits. The three permit applications that were not processed within the regulatory time limit because (1) the applicant did not provide the complete data needed to evaluate their permit request and (2) the Department had to complete a complex technical review of the engineering design that accompanied the permit application before a decision to issue or deny the permit application could be made.

We believe the Department has achieved a high degree of success meeting its regulatory goals for Solid Waste permit approval/denial. Table 2. provides the data for this analysis.

**Table 1. Solid Waste Management Program**

<b>Permit Completeness Review Report</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Completeness Review - Time in Days per Rule in days</b>	<b>Number of Permits Still Under Review within Regulatory Time Periods</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit</b>
Hydrogeologic Report for Disposal Facilities	0	3	3	30	1	2	0
Design and Construction Plans for Compost Facilities	0	0	0	45	0	0	0
Design and Construction Plans for Class I or II Disposal facility	0	1	1	45	0	1	0
Design and Construction Plans for Class III Disposal facility	0	2	2	45	0	1	1 (1)
Major Permit Modification - Permit Only	0	0	0	45	0	0	0
Major Permit Modification - Plans Only	0	7	7	45	1	6	0
Permit-by-Rule Facility	0	23	23	0	0	23	0
Special Waste Evaluation	0	387	387	30	0	385	2 (2)
<b>Totals</b>	<b>0</b>	<b>423</b>	<b>423</b>		<b>2</b>	<b>418</b>	<b>3</b>

Comments:

- (1) The Division's completeness review involved technical review after the initial submittal of the Part II Engineering Plans, which resulted in the completeness review exceeding the 45 days.
- (2) Technical data delayed approval due to applicant's response to request from Field Office.

**Table 2. Solid Waste Management Program**

<b>Permit Application Approval/Denial Report</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permits Still Under Review within Regulatory Time Periods</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
Hydrogeologic Report for Disposal Facilities	0	1	1	30	0	1	0
Design and Construction Plans for Compost Facilities	0	0	0	120	0	0	0
Design and Construction Plans for Class I or II Disposal facility	0	2	2	270	0	1	1 (1)
Design and Construction Plans for Class III Disposal facility	0	1	1	240	0	1	0
Major Permit Modification - Permit Only	0	0	0	180	0	0	0
Major Permit Modification - Plans Only	0	2	2	240	0	2	0
Permit-by-Rule Facility	0	23	23	90	0	23	0
Special Waste Evaluation	0	387	387	30	0	385	2 (2)
<b>TOTALS</b>	<b>0</b>	<b>416</b>	<b>416</b>		<b>0</b>	<b>413</b>	<b>3</b>

Comments:

- (1) The Division's permit issuance exceeded the 270 days by 28 days due to review of variance request from applicant and liner configuration change.
- (2) Technical data delayed approval due to applicant's response to request from Field Office.

## **2. Hazardous Waste Program**

The Hazardous Waste Program issues permits for hazardous waste processing, storage, transport, treatment and disposal. The Department received delegation from U.S. EPA Region IV to serve as the primary regulatory authority for implementation of the federal hazardous waste regulations in Tennessee. The Department issues Hazardous Waste Transporter, Treatment, Storage and Disposal permits. The permits issued for hazardous waste management are an integral part of preventing the illegal disposal of hazardous wastes in our state and helps ensure that the facilities where hazardous waste is transported, stored, treated or disposed are properly designed, constructed to design criteria, operated as required pursuant to the regulations and the permit conditions, properly closed and then monitored (if needed). Proper management of hazardous waste protects public health and the environment.

Members of the regulated community who pursue either a new Hazardous Waste permit or modification of an existing permit are required to submit applications to the Department and receive approval from the Department before beginning construction of new facilities or before significant improvement/construction begins at existing facilities. Under the Hazardous Waste regulations, the Department has specific time periods to review permit applications and modifications for completeness. Under the regulations, the Department also has specific time periods to either issue or deny complete permit applications and modifications.

### **Permit Completeness Review**

For FY 2013, the Hazardous Waste Program reviewed 47 permit applications and permit modifications to decide whether the permit application was complete. Completeness determinations were made for 44 of the permit applications within the applicable regulatory time limits. Three (3) permit applications/modifications remain under review for completeness, however, the applicable time period for permit completeness review has not expired. All permit applications and modifications have been reviewed for completeness within the regulatory time limits.

The Department has reviewed 100% of all permit applications for completeness within the time limits set by statute and regulation. The Department has successfully met its regulatory goals for Hazardous Waste permit completeness review. Table 3. provides the data for this analysis.

### **Permit Application Approval/Denial**

For FY 2013, the Solid Waste Program reviewed 284 permit applications and permit modifications to decide whether the permit application should be approved or denied. All 284 permit applications/modifications (100%) were reviewed and a decision made to either approve or deny the permit application request within the applicable regulatory time limits.

The Department reviewed 100% of all permit applications for completeness within the time limits set by statute and regulation. The Department has successfully met its regulatory goals for approval/denial of Hazardous Waste permit requests. Table 4. provides the data for this analysis.

**Table 3. Hazardous Waste Management Program**

**Permit Application Completeness Review Report**

Hazardous Waste PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permits Still Under Review within Regulatory Time Periods	Number of Permit Applications Reviewed within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
Interim Status Facilities - Closure Plan	0	0	0	180 initial review	0	0	0
Interim Status Facilities - Post Closure Plan	0	0	0	180 initial review	0	0	0
Part A Application	0	9	9	45	0	9	0
Part B Application Existing TSD Facility	6	1	7	180 initial review	1	6	0
Part B Application Existing Combustion or OB/OD Facility	4	0	4	180 initial review	0	4	0
Part B Application Existing PC +/-or CA Facility	4	4	8	180 initial review*	2	6	0
Part B Application New TSD Facility	0	0	0	45	0	0	0
Part B Application New Combustion or OB/OD Facility	0	0	0	45	0	0	0
Part B Application New PC +/-or CA Facility	0	0	0	45	0	0	0
Part B Application New Commercial TSD Facility	0	0	0	45	0	0	0
Part B Application New Commercial Combustion or OB/OD Facility	0	0	0	45	0	0	0
Part B Application New Commercial PC or CA Facility	0	0	0	45	0	0	0
Class 1 & 1 <sup>1</sup> Modifications	1	13	14	60 initial review	0	14	0
Class 3 Modifications	4	1	5	180 initial review*	0	5	0
<b>Total</b>	<b>19</b>	<b>28</b>	<b>47</b>		<b>3</b>	<b>44</b>	<b>0</b>

**Table 4. Hazardous Waste Program  
 Permit Application Approval/Denial Report**

<b>Hazardous Waste PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number under review - Approval - Denial time period has not expired</b>	<b>Number of Permit Applications Approved/Denied within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
HW Transporters (New)	0	27	27	15	0	27	0
HW Transporters (Renewal)	0	255	255	If submitted by 12/31/12, approved by 1/31/13	0	255	0
Interim Status Facilities - Closure Plan	0	0	0	90	0	0	0
Interim Status Facilities - Post Closure Plan	0	0	0	90	0	0	0
Part B Application New Facility - Public Notice of Intent to Issue/Deny	0	0	0	45 days after complete application	0	0	0
Part B Application New Facility - Final Permit Decision	0	0	0	60 after public comment period	0	0	0
Part B Application New Commercial TSDF - Public Notice of Intent to Issue/Deny	0	0	0	45 days after complete application	0	0	0
Part B Application New Commercial TSDF - Final Permit Decision	0	0	0	90 days after public comment period	0	0	0
Class <sup>1</sup> Combustion Permit Modification MACT	0	0	0	90	0	0	0
Class <sup>1</sup> Combustion Permit Modification MACT	0	0	0	30	0	0	0
Class 2 Modifications	1	1	2	90	0	2	0
<b>Totals</b>	<b>1</b>	<b>283</b>	<b>284</b>		<b>0</b>	<b>284</b>	<b>0</b>

### **3. Lead Based Paint and Asbestos Programs**

The Lead Based Paint and Asbestos Programs are responsible for insuring that companies and individual workers who repair, renovate and/or remove Lead Based Paint and Asbestos from buildings are properly trained. Staff members review the education, training, experience and qualifications of the staff members of companies who train Asbestos and Lead Based Paint workers. Approving training programs via accreditation ensures the curriculum and the training meets the need of the persons attending the training. The Department has agreements with EPA Region IV to implement these programs in Tennessee.

The purpose of the Lead Based Paint and Asbestos accreditation and certification programs is to ensure that:

1. The companies and especially the workers for these companies are capable of managing the removal of asbestos and/or lead based paint;
2. The renovation or repair of buildings with asbestos and/or lead based paint is performed using techniques to protect worker health and safety;
3. Lead based paint debris and asbestos removed from buildings is properly disposed; and
4. Once work is completed, the building is safe for human occupation.

#### **Permit Application Approval/Denial**

Under the Lead Based Paint and Asbestos regulations, all permit applications are required to be reviewed for completeness and a decision to approve/deny a permit application made within the same regulatory time limit. For this reporting period, the Asbestos and Lead Based Paint Programs reviewed 3,261 applications. Of the 3,261 applications reviewed, 3,038 (93.2%) were determined to be complete and the permit request approved/denied within the applicable regulatory time limit. The Department did not review and approve/deny 223 permit applications (6.8%) within the applicable regulatory time limit.

The primary reason for the delay in review of the permit applications the number of staff available to process the applications. This work is currently being divided among staff members. The Division is assessing its workload and staff resources to determine whether a re-allocation of staff resources will resolve this problem or if a business process change(s) is needed.

The Department believes it has achieved a high degree of success implementing the Lead Based Paint and Asbestos Permitting Programs with 93.2% of all permit applications reviewed and permit decisions made within the applicable regulatory time limits. However, the Department recognizes the need for permit process improvement as discussed in the paragraph above. Table 5. provides the data used for this analysis.



**Table 5. Lead Based Paint and Asbestos Programs**

**Permit Application Completeness Review and Approval/Denial Report**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 1/1/2013</b>	<b>Number Received between 1/1/13 and 6/30/2013</b>	<b>Number to be Reviewed for Completeness and Processed thru 6/30/13</b>	<b>Completeness Review and Processing – Time in Days per Rule in days</b>	<b>Applications under review - Time not Expired</b>	<b>Permit Applications Processed within Regulatory Time Limit</b>	<b>Permit Applications Not Processed within Regulatory Time Limit</b>
<b>Lead-Based Paint Program</b>							
LBP - Initial Course Training Programs - Accreditation	0	0	0	180	0	0	0
LBP Refresher Course Training - Accred	0	6	6	180	0	1	0
LBP - Individuals Applying for Certification	19	508	527	180	0	508	0
LBP - Firms Applying for Abatement Certification	41	89	130	90	0	89	0
<b>Total</b>	<b>60</b>	<b>603</b>	<b>663</b>		<b>0</b>	<b>598</b>	<b>0</b>
<b>Asbestos Program</b>							
Asbestos Training Provider Accreditation	2	3	5	180	0	4	1
Asbestos Training Provider Accreditation Amended Application	0	2	2	30	0	2	0
Re-accreditation of Asbestos Training Provider	5	12	17	NA	0	17	0
Accredited Asbestos Professional Certification - Initial Applications	337	491	828	60	0	676	218
Re-Accreditation of Asbestos Professional Certification	359	1131	1490	NA	0	1490	0
Accreditation of an Asbestos Firm - Initial Application	25	28	53	60	0	48	5
Re-Accreditation of an Asbestos Firm	49	154	203	60	0	203	0
<b>Total</b>	<b>777</b>	<b>1821</b>	<b>2598</b>		<b>0</b>	<b>2440</b>	<b>223</b>
<b>GRAND TOTAL</b>	<b>837</b>	<b>2424</b>	<b>3261</b>		<b>0</b>	<b>3038</b>	<b>223</b>

#### **4. X-RAY EQUIPMENT and RADIOACTIVE MATERIALS**

The Radiological Health Program issues permits for equipment and devices that contain radioactive materials and for equipment and machines that generate X-rays. The Department also issues permits to businesses that process low level radioactive waste. The Nuclear Regulatory Commission (NRC) has granted the Department authority to operate the Radioactive Materials Licensing Program for facilities in Tennessee in lieu of the NRC except for the Department of Energy, Nuclear Fuel Services in Erwin and TVA nuclear plants. These permits, which are issued to a wide variety of facilities/locations; i.e. hospitals, doctor's offices, dentists, veterinarians, industries, businesses, and building contractors, contain provisions that protect the citizens of Tennessee from over exposure to ionizing radiation. The permits require the recipients to monitor and repair equipment and devices to protect public health. Permits for radioactive material processing ensure that the companies performing this work ship the processed radioactive waste to facilities designed and approved to accept this waste for disposal.

The regulation of X-ray equipment and radioactive materials protects both workers and the public from exposure to levels of radiation that may impact their personal health. In addition, the regulation of radioactive materials requires that this material is not released into the environment.

##### **Permit Completeness Review**

For FY 2013, the Department reviewed 1,159 radioactive material permit applications and permit modifications and 2,217 X-ray permit applications and modifications to decide whether the permit applications were complete. All 1,159 radioactive material permit applications and modifications and all 2,217 X-ray permit applications and modifications were reviewed for completeness within the applicable regulatory time period.

The Department is successfully implementing the Radioactive Material and X-Ray Permitting Programs with 100% of all permit applications reviewed for completeness within the applicable regulatory time limits. Table 6. provides the data used for this analysis.

##### **Permit Application Approval/Denial**

For FY 2013, the Radiological Health Program reviewed 1,159 radioactive material permit applications and permit modifications and 2,217 X-ray permit applications to decide whether the permit application should be approved or denied. All radioactive material and X-ray permit applications/modifications (100%) were reviewed and a decision made to either approve or deny the permit application request within the applicable regulatory time limits.

The Department is successfully implementing the Radioactive Material and X-Ray Permitting Programs with 100% of all permit requests reviewed and permit decisions made within the applicable regulatory time limits. Table 7. provides the data used for this analysis.

**Table 6. Radiological Health – License & Registration**

**Permit Application Completeness Report**

Radioactive Material Licenses and License Modifications	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness 7/1/12 thru 6/30/13	Completeness Review – Time in Days per Rule in days	Applications Under Review - Time Frame has not Expired	License and License Modifications Reviewed for Completeness within Regulatory Time Limit	License and License Modifications not Reviewed for Completeness within Regulatory Time Limit
Category GL	0	10	10	60	0	10	0
Category 1	0	0	0	60	0	0	0
Category 2	0	2	2	60	0	2	0
Category 3	0	11	11	60	0	11	0
Category 4	0	0	0	60	0	0	0
Category 5	0	1	1	60	0	1	0
Category 6	0	2	2	60	0	2	0
Category 7	0	0	0	60	0	0	0
Category 8	0	0	0	60	0	0	0
Category 9	0	0	0	60	0	0	0
Category 10	0	0	0	60	0	0	0
Category 11	0	1	1	60	0	1	0
Category 12	0	0	0	60	0	0	0
Category 13	0	1	1	60	0	1	0
Category GL - mod	0	237	237	na	0	237	0
Categories 1 thru 11 - mod	0	409	409	na	0	409	0
Category 12 - mod	0	0	0	na	0	0	0
Category 13 – mod	0	0	0	na	0	0	0
Reciprocity Notices		271	271	na	0	271	0
License for Delivery	0	214	214	na	0	214	0
License for Processing		0	0	na	0	0	0
License for Disposal		0	0	na	0	0	0
<b>Totals</b>	<b>0</b>	<b>1159</b>	<b>1159</b>		<b>0</b>	<b>1159</b>	<b>0</b>

**Table 6. Radiological Health – Licensing & Registration**

<b>Permit Application Completeness Report</b>							
<b>X-Ray Registrations</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Completeness Review – Time in Days per Rule in days</b>	<b>Applications Under Review - Time Frame has not Expired</b>	<b>Registrations Reviewed for Completeness within Regulatory Time Limit</b>	<b>Registration Completeness exceeded Regulatory Time Limit</b>
Class 1	0	1008	0	na	0	1008	0
Class 2	0	444	0	na	0	444	0
Class 3	0	373	0	na	0	373	0
Class 4	0	7	0	na	0	7	0
Class 5	0	95	0	na	0	95	0
Class 6	0	42	0	na	0	42	0
Class 7	0	14	0	na	0	14	0
Private Inspector	0	46	0	na	0	46	0
Private Installer	0	188	0	na	0	188	0
<b>Totals</b>	<b>0</b>	<b>2217</b>	<b>0</b>		<b>0</b>	<b>2217</b>	<b>0</b>

**Table 7. Radiological Health – Licensing & Registration**

<b>Permit Application Approval/Denial Report</b>							
<b>Radioactive Materials License and License Modifications</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Processed thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Applications Under Review - Time Frame has not Expired</b>	<b>Number of License &amp; License Modifications Reviewed within Regulatory Time Limit</b>	<b>License and Registration Review exceeded Regulatory Time Limit</b>
Category GL	0	10	10	365	0	10	0
Category 1	0	0	0	365	0	0	0
Category 2	0	2	2	365	0	2	0
Category 3	0	11	11	365	0	11	0
Category 4	0	0	0	365	0	0	0
Category 5	0	1	1	365	0	1	0
Category 6	0	2	2	365	0	2	0
Category 7	0	0	0	365	0	0	0
Category 8	0	0	0	365	0	0	0
Category 9	0	0	0	365	0	0	0
Category 10	0	0	0	365	0	0	0
Category 11	0	1	1	365	0	1	0
Category 12	0	0	0	1825	0	0	0
Category 13	0	1	1	365	0	1	0
Category GL - mod	0	237	237	365	0	237	0
Categories 1 thru 11 - mod	0	409	409	365	0	409	0
Category 12 - mod	0	0	0	365	0	0	0
Category 13 – mod	0	0	0	365	0	0	0
Reciprocity Notices	0	271	271	365	0	271	0
License for Delivery	0	214	214	365	0	214	0
License for Processing	0	0	0	365	0	0	0
License for Disposal	0	0	0	365	0	0	0
<b>Totals</b>	<b>0</b>	<b>1159</b>	<b>1159</b>		<b>0</b>	<b>1159</b>	<b>0</b>

**Table 7. Radiological Health – Licensing & Registration**

<b>Permit Application Approval/Denial Report</b>								
<b>X-Ray Registration</b>	<b>Program</b>	<b>Registrations On Hand 7/1/12</b>	<b>Registrations received thru 6/30/13</b>	<b>Total Registrations thru 6/30/13</b>	<b>Time to Approve/Deny Registration License in days per rule</b>	<b>Applications Under Review - Time Frame has not Expired</b>	<b>Registrations Approved/Denied within Rule Time Frame</b>	<b>License and Registration Review exceeded Regulatory Time Limit</b>
Class 1		0	1008	1008	na	0	1008	0
Class 2		0	444	444	na	0	444	0
Class 3		0	373	373	na	0	373	0
Class 4		0	7	7	na	0	7	0
Class 5		0	95	95	na	0	95	0
Class 6		0	42	42	na	0	42	0
Class 7		0	14	14	na	0	14	0
Private Inspector		0	46	46	na	0	46	0
Private Installer		0	188	188	na	0	188	0
<b>Totals</b>		<b>0</b>	<b>2217</b>	<b>2217</b>		<b>0</b>	<b>2217</b>	<b>0</b>

## **AIR**

The Department is responsible for maintaining and improving the quality of the air across the state; protecting public health and the environment. The Department works with businesses, industries, local governments and local citizens to improve air quality in those parts of the state where air quality does not meet federal standards and to maintain air quality in all other areas of the state. One method of maintaining and improving air quality is the regulation of equipment which produces air emissions. The Division of Air Pollution Control issues permits for sources that generate air pollution that are protective of public health and the environment. EPA Region IV has delegated to the Department authority to implement federal air pollution control regulations promulgated by EPA under the Clean Air Act. This includes issuing or denying applications for permits to release air contaminants into the atmosphere.

The Department must first evaluate applications for permits and modifications of permits for completeness. Once the Department has deemed a permit application or modification complete, the Department must decide whether to approve or deny the permit request with specified time limits as set by regulations. For some permit types, the Department is required to exchange permit applications/modifications with EPA. Making permit decisions within regulatory time periods, allows the state of Tennessee to be competitive in recruiting business and industry to the state.

### **Permit Completeness Review**

For FY 2013, 924 applications for permits and modifications of permits were reviewed for completeness. Of those, 861 (93.2%) were found to be complete within the applicable regulatory time limits. The remaining 63 permit applications and modifications (6.8%) are currently under completeness review and the time period for their review has not expired. All permit applications and modifications on hand will be reviewed for completeness within the applicable regulatory time limits. The Department did not have any applications exceed the time period for completeness review in FY 2013.

The Department is successfully reviewing permit applications for completeness since 100% of them were reviewed within the applicable regulatory time limits. Table 8. provides the data used for this analysis.

### **Permit Application Approval/Denial**

In FY 2013, the Department had 1,248 complete applications for permits and modifications of permits to review. There are two types of Air Pollution Control (APC) permits; Construction permits and Operating permits. There are important differences between Construction permits and Operating permits. Persons applying for an APC Construction permit cannot begin construction at their facility until the Department has issued the permit. Persons applying for an Operating permit can continue to operate their business/industry after their current Construction permit or Operating permit has expired; provided they have timely filed an Operating permit application. Because businesses can continue to operate with an expired Operating permit, provided that the permittee has timely applied for a new APC Operating permit and that new businesses cannot begin operation until the Department has issued an APC Construction permit, the Department places its highest priority on processing APC Construction permit applications.

## **Construction Permits**

In FY 2013, the Department had 743 Construction permit applications to review. The Department made 463 Construction permit approval/denial decisions (62.3%) within the applicable regulatory time limits. There were 158 permit applications under evaluation by the Department where the time limit to decide to approve/deny the permit requests had not expired. This represents 21.3% of all complete Construction permit applications received in FY 2013.

The Department did not make final permit application decisions for 122 complete Construction permit applications within the applicable regulatory time limit. This represents 16.4% of all complete Construction permit applications under review in FY 2013. The reasons the Department did not meet the regulatory time limits for permit approval/denial are (1) exchange of information between the Department and the applicant, (2) available staff resources and (3) the need to improve the Construction permitting business process.

The majority of the complete Construction permit applications (85) that were not reviewed and approved/denied within the applicable regulatory time periods were for True Minor Sources. For Conditional Majors, 29 complete Construction permit applications were not reviewed and decisions made to approve/deny the permit application within the applicable regulatory deadlines.

The Department recognizes that making final Construction permit decisions within applicable regulatory time limits is important to the regulated community and to the citizens of Tennessee. The Department is committed to improving its process for making Construction permit application decisions and plans to take the following actions in FY 2014:

- a. Pursue a change in the Air Pollution Control regulations that will allow the Department to issue general permits for Non-Title V facilities that serve as both the Construction and Operating permit. This should reduce the time needed to process Non-Title V permit applications and allow staff members additional time to review Title V permit applications;
- b. Review the current Construction permit approval/denial process and streamline the permit decision procedures used by the Department. This will include a business analysis using the LEAN process; and
- c. Review the Division of Air Pollution Control organizational structure and conduct a workload analysis. The goal of this review is to properly allocate Division staff members based on the Division's overall workload and the priority of different Division responsibilities. This will maximize the use of available staff resources for permit processing.

## **Operating Permits**

The Department had 505 complete Operating permit applications to review in FY 2013. The Department made 141 Operating permit approval/denial decisions (27.9%) for these permit requests within the applicable regulatory time limits. There are 80 permit applications (15.8%) under evaluation where the time period to decide to approve or deny these permit applications has not expired.

The Department did not make final permit decisions for 284 complete Operating permit applications (56.2%) within the applicable regulatory time period. Of the 284 complete Operating permit applications that were not reviewed within the applicable regulatory time limits, the type of Operating permit applications included:



- a. 142 Title V Minor Permit Modifications;
- b. 69 Administrative Amendments for Major Sources; and
- c. 63 Title V Operating permit renewals.

The reasons the Department did not meet the regulatory time limits for permit approval/denial are (1) exchange of information between the Department and the applicant, (2) available staff resources and (3) the need to improve the Construction permitting business process.

While permittees with Operating permits or Construction permits can continue to operate when their permit expires (provided the applicant has properly applied to renew their Operating permit or applied for a new Operating permit), processing only 27.9% of complete Operating permit applications in FY 2013 shows a clear need for improvement. The Department recognizes that making final Operating permit decisions is important to the regulated community and to the citizens of Tennessee. The Department is committed to improving its process for making Operating permit application decisions and plans to take the following actions in FY 2014:

- a. Pursue a change in the Air Pollution Control regulations that will allow the Department to issue general permits for Non-Title V facilities that serve as both the Construction and Operating permit. This should reduce the time needed to process Non-Title V permit applications and allow staff members additional time to review Title V permit applications;
- b. Review the current Construction permit approval/denial process and streamline the permit decision procedures used by the Department. This will include a business analysis using the LEAN process; and
- c. Review the Division of Air Pollution Control organizational structure and conduct a workload analysis. The goal of this review is to properly allocate Division staff members based on the Division's overall workload and the priority of different Division responsibilities. This will maximize the use of available staff resources for permit processing.

The data used to perform this analysis can be found in Table 9.

**Table 8. Air Pollution Control**

**Permit Application Completeness Review Report**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permits Still Under Review for Completeness within Time Frames	Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
<b>Construction Permits</b>							
True Minor Sources	135	412	547	30/90days	48	499	0
Title V Sources minor NSR	12	52	64	30 days	2	62	0
Conditional Major Sources	25	101	126	30/90 days	3	123	0
Major Source Construction (PSD, new and modified sources)	3	3	6	30 days	0	6	0
Major Source Construction (NA/NSR, new and modified sources)	0	0	0	30 days	0	0	0
<b>Total</b>	<b>175</b>	<b>568</b>	<b>743</b>		<b>53</b>	<b>690</b>	<b>0</b>
<b>Operating Permits</b>							
Title V Operating	86	37	123	60	8	115	0
Significant Mod – Title 5	28	18	46	60	2	44	0
Conditional Major - 1st Issuance	11	1	12	60	0	12	0
<b>Total</b>	<b>125</b>	<b>56</b>	<b>181</b>		<b>10</b>	<b>171</b>	<b>0</b>
<b>Grand Total</b>	<b>300</b>	<b>624</b>	<b>924</b>		<b>63</b>	<b>861</b>	<b>0</b>

**Table 9. - Air Pollution Control  
 Permit Application Approval/Denial Report**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Applications under review - Time Period has not expired</b>	<b>Applications Approved/Denied within Regulatory Time Limit</b>	<b>Applications Not Approved/Denied within Regulatory Time Limit</b>
<b>Construction Permits</b>							
True Minor Sources	135	412	547	115 days	127	335	85
Title V Sources minor NSR	12	52	64	180 days	15	43	6
Conditional Major Sources	25	101	126	115 days	14	83	29
Major Source Construction (PSD, new and modified sources)	3	3	6	180/365 days	2	2	2
Major Source Construction (NA/NSR, new and modified sources)	0	0	0	180/365 days	0	0	0
<b>TOTAL</b>	<b>175</b>	<b>568</b>	<b>743</b>		<b>158</b>	<b>463</b>	<b>122</b>
<b>Operating Permits</b>							
Title V	86	37	123	540 days	35	25	63
Significant Mod – Title 5	28	18	46	270/540 days	23	14	9
Title 5 Minor Modifications	78	81	159	90 days from receipt or 15 days after EPA's review period	15	2	142
Group Permit Modifications	0	0	0	90 days from receipt or 15 days after EPA's review period	0	0	0
Admin. Amendment Major Sources	81	83	164	60 days	7	88	69
Conditional Major - 1st Issuance	11	1	12	540 days	0	11	1
<b>Total</b>	<b>284</b>	<b>221</b>	<b>505</b>		<b>80</b>	<b>141</b>	<b>284</b>
<b>Grand Total</b>	<b>459</b>	<b>789</b>	<b>1248</b>		<b>238</b>	<b>604</b>	<b>406</b>

## **WATER**

The Department protects Tennessee's water resources to ensure a healthy environment for fish and aquatic life and recreational use for Tennesseans. The fact that the waters of the State of Tennessee are plentiful and of good quality is one factor in business and industry finding Tennessee a great place to operate.

The Water Resources Division is responsible for issuing permits that protect the quality and quantity of both surface water (springs, creeks, rivers and lakes) and ground water. As Tennessee continues to grow in population, as more businesses and industries come to Tennessee, and as existing Tennessee industries expand; the ability to provide drinking water to our citizens and to provide business and industry with the water necessary to operate becomes more important and more complex. The need to wisely manage our water resources is more important every year.

Within the Department, the Water Resources Division has the greatest number of permit types and the greatest number of permit applications to process. This work is performed in the Division's Water Quality Branch which implements regulatory programs requiring environmental permits for:

- The discharge of wastewater into streams (point source discharges);
- Land-based treatment of waste water;
- The alteration of the chemical, physical, biological, radiological and flow of our rivers and streams;
- Controlling non-point source pollution such as surface water runoff from construction sites and confined animal feeding operations;
- Oil and gas production;
- Mining where the mining operations impact or potentially impact water quality
- Review and approval of plans for Public Water Systems;
- Implementation of the Underground Injection Control Program; and
- Construction and maintenance of dams.

There are five water sections within the Water Quality Branch that issue permits. Please find below a brief description of each of the sections, how well each section is meeting the requirements for reviewing permit applications for completeness within applicable regulatory time limits and how well each section is meeting the requirements to approve/deny complete permit applications within applicable regulatory time limits.

### **1. Natural Resources Permitting and Stream Quality Assessments.**

The Natural Resources Program has 4 different components, all designed to preserve and protect water quality in Tennessee streams. The components are described below.

- a. Aquatic Resource Alteration Program (ARAP) Permitting – Under the law, anyone who wants to alter the chemical, biological, physical properties of a stream or change the flow of a stream must apply for and receive a permit before the activity begins. Examples of some activities that require ARAP permits are changes in stream course, construction in streams (road projects, building projects) and altering the channel of a stream. Permit applications are reviewed to determine whether the activity can be conducted in compliance with the requirements of the regulations and if so, to issue permits that have conditions that will protect the water resources of the state.

- b. Construction Storm Water Program (CGP) – This is a state program that requires anyone who disturbs more than one acre of land to put measures in place to prevent the runoff of soil and sediment into streams. Soil and sediment entering streams is a significant threat to aquatic animals that are bottom dwellers. Due to the dependence of other aquatic life on the presence of these organisms as a part of the food chain, sedimentation also affects other fish and aquatic life.
- c. Municipal Storm Water Program – This program is designed to collect and control storm water runoff from roads, parking lots and other impermeable structures and prevent illicit discharges. Controlling the rate of flow into streams resulting from rainfall minimizes flooding and other impacts to the health of streams. Uncontrolled storm water flow can cause streams to wash out and the natural habitat for fish and aquatic life can be destroyed.
- d. Stream Identification and Anti-Degradation Analyses – As a part of many construction activities, the construction may occur in an area that is possibly a stream. In these situations, the permit applicant is required to determine whether the location has a wet weather conveyance or a stream. If the applicant determines, through the use of a Qualified Hydrologic Professional, that the feature is a wet weather conveyance, the Department has up to thirty (30) days to review the determination.

Should a stream be determined to be an Exceptional Tennessee Water, then any proposed activity that impacts water quality of the stream must be evaluated by comparing the relative negative impact of the project on the stream versus the economic and social impact of completing the project. The applicant must demonstrate that the socio/economic value of moving forward with the project is greater than the impact the project has on the stream.

### **Permit Completeness Review**

The Department had 3,178 permit applications in the Natural Resources Section to review for permit completeness in FY 2013. The vast majority of these applications were for Construction Storm Water General Permits and Aquatic Resource Alteration General Permits. The Department reviewed 93.7% of these applications within the applicable regulatory time limit.

The primary reasons the Department did not meet applicable regulatory time limits for 5.8% of the applications were (1) requests to the applicant for additional information to supplement the permit request, (2) waiting for final review of the permit application by other agencies and (3) limited number of staff.

Completing 93.7% of all permit completeness reviews represents a successful program. However, the Division is committed to improving permit completeness review by:

- a. Reviewing the Natural Resource Permitting business process to improve efficiency;
- b. Working with other agencies to reduce the time required to exchange permit information;
- c. Assessing the workload within the Division of Water Resources; and
- d. Prioritizing the workload within the Division and reallocation of staff resources to meet Division priorities

Table 10. following this section, provides all data used to perform this analysis.

### **Permit Application Approval/Denial**

The Department had 3,179 permit applications in the Natural Resources Section in FY 2013 to review and either approve or deny the permit request. The vast majority of these applications were Construction Storm Water General Permits and Aquatic Resource Alteration General Permits. The Department approved/denied 2,957 of the complete permit applications (93%) within the applicable regulatory time limit. The 202 permit applications (6.3%) that were not reviewed within the regulatory time limit were Construction Storm Water General Permits and Aquatic Resource Alteration Permits.

The primary reasons decisions to approve/deny permit requests were not made within the applicable regulatory time limits are (1) the time required to contact applicants for additional information to supplement the permit request, (2) waiting for final review by other agencies, (3) limited staff resources and (4) a need to improve the permit review business process.

The approval/denial of 93% of all complete permit applications represents a successful program. However, the Division is committed to improving permit review performance. The Division will follow the processes listed in the Permit Completeness section to improve its rate of review of permit requests.

Table 11. following this section, provides all data used to complete this analysis.

**Table 10. Natural Resources**

**Permit Application Completeness Report**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
<b>Natural Resources Program</b>							
401 Certification & Individual ARAP Permits	1	168	169	30	7	132	30
General ARAP Permit Processing	4	1098	1102	30	9	1022	71
Stream Determinations (QHP submittals only)	1	7	8	30	0	8	0
Anti Degradation Evaluations (ETW Category 7 only)	0	0	0	30	0	0	0
Construction Storm Water - General	0	1893	1893	30	1	1809	83
Construction Storm Water - Individual	0	3	3	30	0	3	0
Municipal Storm Water (MS4) - Individual	0	0	0	30	0	0	0
Municipal Storm Water (MS4) - General	0	1	1	30	0	1	0
Interbasin Water Transfer	2	0	2	30	0	2	0
<b>Total</b>	8	3170	3178		17	2977	184

<b>Table 11. Natural Resources</b>							
<b>Permit Application Approval Denial Report</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
401 Certification & Individual ARAP Permit	1	168	169	90	16	128	25
General ARAP Permit Processing	4	1098	1102	30	3	1011	88
Stream Determinations (QHP submittals only)	1	7	8	30	0	7	1
Anti Degradation Evaluations (ETW Category 7 only)	0	0	0	30	0	0	0
Construction Storm Water - General	0	1893	1893	30	1	1809	83
Construction Storm Water - Individual	1	3	4	30	0	0	4
Municipal Storm Water (MS4) - Individual	0	0	0	90	0	0	0
Municipal Storm Water (MS4) - General	0	1	1	30	0	1	0
Interbasin Water Transfer	2	0	2	30	0	1	1
<b>Totals</b>	<b>9</b>	<b>3170</b>	<b>3179</b>		<b>20</b>	<b>2957</b>	<b>202</b>



## **2. Water Based Waste Water Treatment**

The Water Based Waste Water Treatment section is responsible for implementation of National Pollution Discharge Elimination System (NPDES) Permitting Program in Tennessee. This is a national EPA water pollution prevention program that regulates the direct discharge of treated waste water into rivers and streams. In Tennessee, EPA Region IV has delegated responsibility for implementing this program to the Department. The Department receives permit applications from business, industry, city, county, state and federal governments and other entities who wish to discharge waste water into rivers and streams. The permitting process evaluates the quality and quantity of the receiving stream, the quality of waste water to be discharged, the volume of waste water to be discharged into streams and rivers and if appropriate issues a permit that sets the quantity and quality of waste water that can be discharged directly into the river or stream. The permit sets standards that allow the receiving stream to continue to meet all its classified uses, domestic water supply, fish and aquatic life, recreational use, etc. while receiving treated waste water.

### **Permit Completeness Review**

The Department received 619 NPDES permit applications to be reviewed for permit completeness in FY 2013. The Department reviewed 452 of the permit applications (73%) for completeness within the applicable regulatory time limit. However 144 permit applications that were not reviewed for completeness within the applicable regulatory time limit were for Ready Mixed Concrete Plants. The reason the Department did not meet the time limit for reviewing these permit applications for completeness is that permit applicants submitted their permit applications before the new General Permit for Ready Mixed Concrete Plants was effective. The Department could not review the permit applications until the new General Permit became effective. Given this limitation, the Department reviewed 452 permit applications for completion out of 475 (619 -144) permit applications that could be reviewed; therefore the Department reviewed and made completeness determinations for 95.1% of all permit applications received.

This is representative of a successful permitting program. The Department does strive for continual improvement and is committed to reviewing its NPDES business process to improve accuracy and efficiency. The data for this analysis are provided in Table 12.

### **Permit Application Approval/Denial**

The Department reviewed 620 complete NPDES permit applications in FY 2013. The Department approved or denied 580 of the permit requests (93.5%) within the applicable regulatory time limit. The Department did not approve or deny 40 NPDES permit applications (6.5%) within the applicable regulatory time limits.

Processing 93.5% of all NPDES permit applications in FY 2013 within the time frames shows success of this program. However, there are opportunities to improve performance. The most common reasons that the Department did not make permit decisions within applicable regulatory time limits are (1) exchange of information between the Department and the applicant and (2) exchange of information with other state and federal agencies. The Department will work to improve its NPDES business process in these two areas. The data on these permits are contained in Table 13.

**Table 12. WATER BASED SYSTEMS**

**PERMIT APPLICATION COMPLETENESS REVIEW REPORT**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
<b>NPDES General Permits</b>							
CAFO - All other CAFO Types	2	30	32	30	2	25	5
CAFO - Confined Animal Feeding Operation - General Permit	0	2	2	30	0	2	0
Hydrostatic Testing - Individual	0	0	0	30	0	0	0
Hydrostatic Testing- General	0	20	20		0	19	1
Industrial Storm Water TMSP	2	130	132	30	0	126	6
Interbasin Water Transfer	0		0	30	0	0	0
Municipal Storm Water General Permit	0	1	1	30	0	1	0
Pesticide Application General Permit	0	8	8	30	0	7	1
Ready-Mix Concrete (RMCP)	0	212	212	30	0	68	144
UST General Permit	2	48	50	30	0	49	1
Water Treatment Plant Backwash	0	4	4	NA	0	4	0
<b>Total</b>	<b>6</b>	<b>455</b>	<b>461</b>		<b>2</b>	<b>301</b>	<b>158</b>

**Table 12. - Continued WATER BASED SYSTEMS**

**PERMIT APPLICATION COMPLETENESS REVIEW REPORT**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
<b>Major Individual NPDES Permits</b>							
Municipal - POTW	0	26	26	30	0	26	0
Municipal - Domestic Wastewater	0	0	0	30	0	0	0
Primary Industry	0	10	10	30	0	10	0
Secondary Industry w/ELGs	0	0	0	30	0	0	0
Secondary Industry w/o ELG	0	2	2	30	0	2	0
Total	0	38	38		0	38	0
<b>Minor Individual NPDES Permits</b>							
Municipal - POTW	0	30	30	30	0	26	4
Municipal - Domestic Wastewater	0	34	34	30	0	33	1
Primary Industry	0	17	17	30	0	16	1
Secondary Industry w/ELGs	0	6	6	30	0	6	0
Secondary Industry w/o ELGs	0	33	33	30	0	32	1
Total	0	120	120		0	113	7
<b>GRAND TOTAL</b>	<b>6</b>	<b>613</b>	<b>619</b>		<b>2</b>	<b>452</b>	<b>165</b>

**Table 13. WATER BASED SYSTEMS**

**PERMIT APPLICATION APPROVAL/DENIAL REPORT**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Time to Approve/Deny Application	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed within Regulatory Time Limit	Number of Permit Applications Not Reviewed within Regulatory Time Limit
<b>NPDES General Permits</b>							
CAFO - All other CAFO Types	2	30	32	180	0	32	0
CAFO - Confined Animal Feeding Operation - General Permit	0	2	2	180	0	2	0
Hydrostatic Testing - General Permit	0	0	0	0	0	0	0
Hydrostatic Testing - Individual Permit	0	20	20	15	0	20	0
Industrial Storm Water - TMSP	2	130	132	15	0	130	2
Municipal Storm Water - General Permit	1	1	2	365	0	2	0
Pesticide General Permit	0	8	8	30	0	7	1
Ready-Mix Concrete (RMCP)	0	212	212	30	0	211	1
UST General Permit	0	50	50	30	0	46	4
Water Treatment Plant Backwash	0	4	4	30	0	3	1
<b>Total</b>	<b>5</b>	<b>457</b>	<b>462</b>		<b>0</b>	<b>453</b>	<b>9</b>

**Table 13. Continued - WATER BASED SYSTEMS**

<b>PERMIT APPLICATION APPROVAL/DENIAL REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
<b>Major Individual NPDES Permitting</b>							
Municipal - POTW	11	15	26	365	0	26	0
Municipal - Domestic Wastewater	0	0	0	365	0	0	0
Primary Industry	7	3	10	365	0	10	0
Secondary Industry w/ELGs	0		0	365	0	0	0
Secondary Industry w/o ELG	1	1	2	365	0	2	0
Total	19	19	38		0	38	0
<b>Minor Individual NPDES Permitting</b>							
Municipal - POTW	17	13	30	180	0	27	3
Municipal - Domestic Wastewater	7	27	34	180	0	22	12
Primary Industry	4	13	17	180	0	12	5
Secondary Industry w/ELGs	4	2	6	180	0	6	0
Secondary Industry w/o ELGs	12	21	33	180	0	22	11
Total	44	76	120		0	89	31
<b>GRAND TOTAL</b>							
	68	552	620		0	580	40

### **3. Land Based Waste Water Treatment**

Treatment of waste water with no discharge of treated waste water to surface water is commonly used in rural areas and in areas without access to sanitary sewer systems. Typically waste water from businesses, industries, and homes is collected and treated to remove waste material. The treated waste water is then distributed onto local property that has been evaluated for accepting this waste water; specifically the soil has been examined to ensure it can accept the waste water without surface water run-off and without impacting ground water. The Department has two programs that regulate the onsite treatment and disposal of waste water, the State Operating Permit Program and the Subsurface Sewage Program. Each program is briefly described below.

- a. State Operating Permit Program - A common example of this is the collection of wastewater from subdivisions, transport of the wastewater to an on-site wastewater treatment system and then using the treated wastewater to irrigate fields. The program evaluates the soil and issues permits that limit the amount of waste water applied to the soil so it does not cause runoff to streams and that waste water does not contaminate local ground water.
- b. Subsurface Sewage Disposal Program – This program is designed to provide waste water treatment to homes and small businesses that are located in areas without sewer service. Under this program, waste water is collected from a home or business and enters a “septic tank” on the property. Microorganisms within the septic tank treat the waste water and effluent from the septic tank is discharged via field lines below the ground surface where other microbes in the soil provide further treatment so ground water is not contaminated. Department staff members assist with the location, design and installation of the subsurface sewage disposal system.

#### **Permit Completeness Review**

The Department received 241 Land Based Waste Water Treatment Permit applications for completeness review in FY 2013 under the State Operating Permit Program. The Department reviewed 197 of the permit applications (81.7%) within the applicable regulatory time limit. The Department had 12 permit applications (5%) it had not reviewed for completeness but the time limit for permit review has not expired. The Department did not review 32 permit applications (13.3%) within the applicable regulatory time limits. The primary reasons the Department did not meet the applicable regulatory time limit for permit completeness review are; (1) the time required to exchange technical data among the Department, the applicant’s consultant and soil experts and (2) staff resources to review permit applications for completeness.

The Department will address this as discussed previously; (1) review the Land Based Waste Water Treatment Permit business process; (2) complete a workload analysis for the Division of Water Resources, (3) prioritize Division responsibilities and (4) reallocate Division staff members to decrease the time to review permit applications for completeness.

The data for this analysis are included in Table 14.

### **Permit Application Approval/Denial**

As discussed in the introduction to the Land Based Waste Water Treatment Permitting Program, there are two different Land Based Waste Water Treatment Permitting Programs; the State Operating Permit Program and the Residential Subsurface Sewage Program. The Subsurface Sewage Permitting Program has the same regulatory time limits for permit completeness review and permit approval/denial. This is important information because the volume of permit applications for the Subsurface Sewage Program is exponentially larger than for the State Operating Permit Program.

In FY 2013 the Department received 7,428 permit applications for approval/denial. The Department approved or denied 6,030 permit applications (81.2%) within the applicable regulatory time limits. As mentioned in the Introduction to this report on page 4; Public Chapter 1061 became effective on October 1, 2012. This legislation required the State of Tennessee to document that any person who receives a professional license from the State of Tennessee to demonstrate that he/she is legally in the United States. In the Subsurface Sewage Program, the Department issues licenses to persons who install septic tank systems and to persons who remove waste from septic tanks for disposal at waste water treatment plants or at approved land application sites. The Department notified all persons licensed as Septic Tank Installers and/or Pumpers of this requirement in the fall of 2012 so that the licensees could provide the required documents with their applications for renewal. Unfortunately, the Department did not act on 961 license applications within the required time period because they did not submit proof of citizenship or other lawful status with their license application. This was eventually resolved with each licensee. Because the Department now has this information for current license holders, the problem should not occur again. When this issue is taken into consideration, the Department approved/denied 6,030 permit applications (93.2%) within the applicable regulatory time period from a total of 6,467 permit applications reviewed.

The Department is achieving a high degree of success operating the Land Based Waste Water Treatment Permitting Program. Like any responsible business there is an opportunity for improvement and the Department is committed to reviewing the business processes within the Land Based Waste Water Treatment Permitting process.

The data for this analysis are provided in Table 15.

**Table 14. LAND BASED WASTE WATER TREATMENT**

<b>PERMIT APPLICATION COMPLETENESS REVIEW REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Completeness Review – Time in Days per Rule in days</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit</b>
<b>State Operating Permits</b>							
Including Pending - unknown type	12	0	12	30	12	0	0
Collection System	0	10	10	30	0	9	1
Drip Irrigation	12	54	66	30	0	55	11
Pump and Haul	2	16	18	30	0	16	2
Spray Irrigation	0	7	7	30	0	6	1
All other SOP types	17	111	128	30	0	111	17
<b>Total</b>	<b>43</b>	<b>198</b>	<b>241</b>		<b>12</b>	<b>197</b>	<b>32</b>



**Table 15. LAND BASED WASTE WATER TREATMENT**

<b>PERMIT APPLICATION APPROVAL/DENIAL REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
<b>Non Discharging Facilities – State Operating Permits (SOP)</b>							
Including Pending - unknown type	11	0	11	180	0	11	0
Collection System	2	8	10	180	0	10	0
Drip Irrigation	23	44	67	180	0	60	7
Pump and Haul	6	13	19	180	0	15	4
Spray Irrigation	1	6	7	180	0	5	2
All other SOP types	6	17	23	180	0	22	1
<b>Total</b>	<b>49</b>	<b>88</b>	<b>137</b>		<b>0</b>	<b>123</b>	<b>14</b>
<b>Subsurface Sewage Program</b>							
Conventional SSD Permits	0	5772	5772	45	289	5426	58
Alternative SSD Permits	0	16	16	45	1	15	0
Septic Tank Installer	0	1305	1305	45	65	392	848
Septic Tank Pumper	0	174	174	45	9	52	113
Plan Review	0	14	14	45	1	13	0
Domestic Sewage Site Permit	0	10	10	45	1	9	0
<b>Total</b>	<b>0</b>	<b>7291</b>	<b>7291</b>		<b>365</b>	<b>5907</b>	<b>1019</b>
<b>GRAND TOTAL</b>	<b>49</b>	<b>7379</b>	<b>7428</b>		<b>365</b>	<b>6030</b>	<b>1033</b>

#### **4. Oil, Gas and Mining Programs**

These programs are operated primarily from our Knoxville Environmental Field Office because oil, natural gas and coal are found primarily in East Tennessee. Please find below a brief description of each program.

- a. Oil and Gas Production - In eastern Tennessee, there are deposits of oil and natural gas below the ground surface. Companies pursue the production of oil and gas by installing wells into these reservoirs. To ensure that wells are installed to protect public health and environment, particularly ground water, any person installing a well for oil and gas production must apply for and receive a permit from the Department.
- b. Mining – Whether a permit is required in Tennessee for mining of a mineral depends on the mineral and the location. No permit is required for the mining of coal anywhere or for mining of sand and gravel, except in Shelby County. Permits are required for mining of other minerals. However, surface mining often results in contaminated surface water runoff and the discharge of water/wastewater into streams. Therefore, the mining operator must obtain a permit from the Department for activities that affect waters. The permit requires the mine operator to properly manage surface water runoff. If the mine has a direct discharge to a stream, then the operator must pursue an NPDES permit. If mining operations propose to alter a stream, then an Aquatic Resource Alteration Permit would be required.

#### **Permit Completeness Review**

The Department received 1,079 Oil, Gas and Mining permit applications for permit completeness review in FY 2013. The Department reviewed 1,067 permit applications (98.9%) for completeness within the applicable regulatory time limits. The Department did not review 12 permit applications (1.1%) for completeness within applicable regulatory time limits. The primary reason permit applications were not reviewed for completeness is the time required to exchange data between the Department and the applicant.

The Oil, Gas and Mining Programs are effectively reviewing permit applications for completeness, with 98.9% of all permit applications reviewed within the applicable regulatory time limits. Data for this analysis are provided in Table 16.

#### **Permit Application Approval/Denial**

The Department received 1,124 Oil, Gas and Mining complete permit applications in FY 2013. The Department approved/denied 1,123 permit requests (99.9%) within the applicable regulatory time limits. The Department did not make a decision to issue or deny a permit for one permit application within applicable regulatory time limits.

The Oil, Gas and Mining Programs are effectively making decisions to approve/deny complete permit applications with 99.9% of all permit requests approved/denied within the applicable regulatory time limits. Data for this analysis are provided in Table 17.

**Table 16. OIL, GAS and MINING**

**PERMIT APPLICATION COMPLETENESS REVIEW REPORT**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Completeness Review – Time in Days per Rule in days	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit	Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit
<b>Oil &amp; Gas and Mining -</b>							
TMSP - Mining Section	20	33	53	30	0	53	0
All other SOP types	8	0	8	30	0	8	0
TOTAL	28	33	61	30	0	61	0
<b>Oil and Gas</b>							
Permit Applications	0	179	179	NA	0	179	0
Change of Operations	0	344	344	NA	0	344	0
Amend Well Permits	0	9	9	NA	0	9	0
Bonding	0	304	304	NA	0	304	0
Mineral Test Hole	0	3	3	NA	0	3	0
TOTAL	0	839	839		0	839	0
<b>Mining</b>							
Coal	0	21	21	30	0	21	0
Non-coal	56	92	148	30	0	136	12
Surface Mining Permits	0	10	10	NA	0	10	0
Total	56	123	179		0	167	12
<b>GRAND TOTAL</b>	<b>84</b>	<b>995</b>	<b>1079</b>		<b>0</b>	<b>1067</b>	<b>12</b>

**Table 17. OIL, GAS and MINING**

**PERMIT APPLICATION APPROVAL/DENIAL REPORT**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
<b>NPDES Mining</b>							
Industrial Storm Water - TMSP	0	0	0	15	0	0	0
TMSP	6	0	6	15	0	6	0
TMSP Mining Section	20	33	53	15	0	53	0
Stream Determinations - Mining	26	33	59	30	0	59	0
Anti-Degradation - Mining	0	1	1	30	0	1	0
Exceptional TN Water Determinations	0	0	0	30	0	0	0
<b>Total</b>	<b>52</b>	<b>67</b>	<b>119</b>		<b>0</b>	<b>119</b>	<b>0</b>
<b>Oil and Gas</b>							
Permit Applications	0	179	179	NA	0	179	0
Change of Operation	0	344	344	NA	0	344	0
Amend Well Permits	0	9	9	NA	0	9	0
Bonding	0	304	304	NA	0	304	0
Mineral Test Hole	0	3	3	10	0	3	0
<b>Total</b>	<b>0</b>	<b>839</b>	<b>839</b>		<b>0</b>	<b>839</b>	<b>0</b>

**Table 17. Continued - OIL, GAS and MINING**

**PERMIT APPLICATION APPROVAL/DENIAL REPORT**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
<b>Mining</b>							
Coal, major	0	0	0	365	0	0	0
Coal, minor* 365 with hearing	43	21	64	180	0	63	1
Non-coal	0	92	92	180	0	92	0
Surface Mining Permits	0	10	10	45	0	10	0
Total	43	123	166		0	165	1
<b>GRAND TOTAL</b>	<b>95</b>	<b>1029</b>	<b>1124</b>		<b>0</b>	<b>1123</b>	<b>1</b>

## **5. Drinking Water**

The Department is responsible for ensuring that the citizens of Tennessee have a safe and plentiful water source of drinking water. This protection is provided by implementation of the Safe Drinking Water Program, the Underground Injection Control Program and the Safe Dams Program. Implementation of the Safe Drinking Water regulations ensures that public water systems provide their customers (businesses, industry and local citizens) with water that is safe to drink, has adequate pressure and that water from the public water systems is available in quantities to meet the needs of their customers. The regulation of fluids injected into the subsurface ensures that no liquids are injected that will contaminate ground water and cause it to be unsafe to use as a drinking water supply and prevents the injection of fluids in a way that adversely impacts public health or the environment. The third component of the Water Supply Program is the regulation of dams, under the Dam Safety Act. Under this Act, the Department regulates dams that are not regulated by the federal government, reservoirs that are above a specific size but does not regulate farm ponds.

- a. Public Drinking Water Program – The Department reviews and approves plans to construct new drinking water treatment plants and distribution systems, plans to expand or modify existing drinking water treatment plants and the expansion of public water distribution systems. This review helps ensure that drinking water treatment plants provide water to the public that is protective of public health, meets the design capacity of the drinking water treatment plant and that the distribution system has enough water pressure for the businesses, industries and local citizens served.
- b. Underground Injection Control (UIC) Permits – The UIC Program oversees the injection of liquids, primarily water or wastewater into the subsurface. Before constructing UIC wells, an applicant must submit a permit application for review. The Department reviews the permit application to ensure the injection activity does not contaminate ground water that is or could be used as a water supply. The permit application review also ensures the injection wells are constructed to prevent any impact to public health or the environment.
- c. Safe Dams Permitting – The Safe Dams Program regulates dams not regulated by the federal government and dams with reservoirs above a certain size. This program does not regulate farm ponds. The Safe Dams Program ensures that dams are constructed to limit the potential damage to people and structures downstream of the dam. The Department also reviews plans to modify or improve existing dams.

### **Permit Completeness Review**

The Department received 1,730 Drinking Water Program permit applications for completeness review in FY 2013. The Department reviewed 1,722 permit applications (99.5%) for completeness within the applicable regulatory time limits. The Department did not review 8 permit applications (0.5%) for completeness within applicable regulatory time limits. The primary reason permit applications were not reviewed for completeness is the time to exchange data between the Department and the applicant.

The Drinking Water Programs are effectively reviewing permit applications for completeness, with 99.5% of all permit applications reviewed within the applicable regulatory time limits. Data for this analysis are provided in Table 18.

### **Permit Application Approval/Denial**

The Department received 1,730 Drinking Water Program complete permit applications in FY 2013. The Department approved/denied 1,719 permit requests (99.4%) within the applicable regulatory time limits. The Department did not review 8 permit applications (0.4%) for completeness within applicable regulatory time limits. The Department has 3 permit applications under review but the time limit to approve/deny the permit request has not expired.

The Drinking Water Program is effectively making decisions to approve/deny complete permit applications with 99.4% of all permit requests approved/denied within the applicable regulatory time limits. Data for this analysis are provided in Table 19.

**Table 18. DRINKING WATER PROGRAMS**

<b>PERMIT APPLICATION COMPLETENESS REVIEW REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Completeness Review – Time in Days per Rule in days</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit</b>
<b>Public Water Systems</b>							
<b>Water System Plans Approval</b>	<b>50</b>	<b>1343</b>	<b>1393</b>	<b>NA</b>	<b>0</b>	<b>1393</b>	<b>0</b>
<b>Plans Review Delegation to Local U.D.s</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>NA</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>50</b>	<b>1343</b>	<b>1393</b>		<b>0</b>	<b>1393</b>	<b>0</b>
<b>UIC Permits</b>							
<b>Class I Construction Permit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class I Operating Permit (existing)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class I Operating Permit (new)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class I Renewal Permit - Operating</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class I Abandonment</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class I Refund</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>&gt; 90</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class II Permit Application</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class II Permit Renewal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class II Modification</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class II Refund</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>&gt; 60</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Class III Construction Permit Application</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>



**Table 18. Continued - DRINKING WATER PROGRAMS**

<b>PERMIT APPLICATION COMPLETENESS REVIEW REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Completeness Review – Time in Days per Rule in days</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed for Completeness within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed for Completeness within Regulatory Time Limit</b>
<b>Class III Operating Permit Application</b>	0	0	0	90	0	0	0
<b>Class III Permit Renewal</b>	0	0	0	90	0	0	0
<b>Class III Modification</b>	0	0	0	90	0	0	0
<b>Class III Abandonment</b>	0	0	0	90	0	0	0
<b>Class III Refund</b>	0	0	0	>90	0	0	0
<b>Class V Operating Permit Application</b>	8	193	201	60	0	195	6
<b>Class V Permit renewal</b>	6	117	123	60	0	121	2
<b>Class V Modification</b>	1	9	10	60	0	10	0
<b>Class V Abandonment</b>	0	0	0	60	0	0	0
<b>Class V Refund</b>	0	1	1	60	0	1	0
<b>Total</b>	15	320	335		0	327	8
<b>Safe Dams Permitting</b>							
<b>Construction of New Dams</b>	0	0	0	NA	0	0	0
<b>Alteration of Existing Dams</b>	0	2	2	NA	0	2	0
<b>Total</b>	0	2	2		0	2	0
<b>GRAND TOTAL</b>	65	1665	1730		0	1722	8

**Table 19. DRINKING WATER PROGRAMS**

**PERMIT APPLICATION APPROVAL/DENIAL REPORT**

PERMIT APPLICATIONS & MODIFICATIONS	Number on Hand - 7-1-12	Number Received between 7/1/12 and 6/30/13	Number to be Reviewed for Completeness thru 6/30/13	Time to Approve/Deny Application	Number of Permit Applications under Completeness Review - Time Period has not ended	Number of Permit Applications Reviewed within Regulatory Time Limit	Number of Permit Applications Not Reviewed within Regulatory Time Limit
<b>Public Water Systems</b>							
Water System Plans Approval	50	1343	1393	30	0	1393	0
Plans Review Delegation to Local U.D.s	0	0	0	90	0	0	0
<b>Totals</b>	<b>50</b>	<b>1343</b>	<b>1393</b>		<b>0</b>	<b>1393</b>	<b>0</b>
<b>UIC Permits</b>							
Class I Permit - Construction Permit	0	0	0	180	0	0	0
Class I Operating Permit - 90	0	0	0	180	0	0	0
Class I Operating Permit (new)	0	0	0	90	0	0	0
Class I Renewal Permit - Existing	0	0	0	180	0	0	0
Class I Abandonment	0	0	0	90	0	0	0
Class II Construction Permit	0	0	0	60	0	0	0
Class II Operating Permit Renewal	0	0	0	60	0	0	0
Class II Abandonment	0	0	0	60	0	0	0
Class II Modification	0	0	0	60	0	0	0

**Table 19. Continued - DRINKING WATER PROGRAMS**

<b>PERMIT APPLICATION APPROVAL/DENIAL REPORT</b>							
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Number on Hand - 7-1-12</b>	<b>Number Received between 7/1/12 and 6/30/13</b>	<b>Number to be Reviewed for Completeness thru 6/30/13</b>	<b>Time to Approve/Deny Application</b>	<b>Number of Permit Applications under Completeness Review - Time Period has not ended</b>	<b>Number of Permit Applications Reviewed within Regulatory Time Limit</b>	<b>Number of Permit Applications Not Reviewed within Regulatory Time Limit</b>
Class III Construction Permit Application	0	0	0	90	0	0	0
Class III Operating Permit Application	0	0	0	90	0	0	0
Class III Permit Renewal	0	0	0	90	0	0	0
Class III Modification	0	0	0	90	0	0	0
Class III Abandonment	0	0	0	90	0	0	0
Class III Refund	0	0	0	90	0	0	0
Class V Operating Permit Application	8	193	201	60	0	195	6
Class V Permit renewal	6	117	123	60	0	121	2
Class V Modification	1	9	10	60	3	7	0
Class V Abandonment	0	0	0	60	0	0	0
Class V Refund	0	1	1		0	1	0
<b>Totals</b>	<b>15</b>	<b>320</b>	<b>335</b>		<b>3</b>	<b>324</b>	<b>8</b>
<b>Safe Dams Permitting</b>							
Construction of New Dams	0	0	0	60	0	0	0
Alteration of Existing Dams	0	2	2	60	0	2	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>		<b>0</b>	<b>2</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>65</b>	<b>1665</b>	<b>1730</b>		<b>3</b>	<b>1719</b>	<b>8</b>

## **CONCLUSIONS**

The Department is operating an effective environmental permitting program. The information provided in this report demonstrates the success the Department has had in environmental permit processing in FY 2013. Tables 20. and 21. below, provide summary information for permit application completeness review and permit decisions made by the Department during this reporting period.

In FY 2013, the Department reviewed 11,134 of 11,637 permit applications received for completeness within the applicable regulatory time limit. There are 99 permit applications under completeness review but the time period for completeness review has not passed. In FY 2013 there were 404 permit applications (3.5%) that were not reviewed for completeness within the applicable regulatory time period.

The Department approved/denied 20,189 of 22,666 complete permit applications (89%) within the applicable regulatory time limits for permit decision making in FY 2013. There are 626 complete permit applications (2.8%) under review for approval/denial but the time period for a final permit decision has not passed. In FY 2013 there were 1,851 complete permit applications (8.2%) that were not approved/denied within the regulatory time limit for permit decision making. However, 961 of these permit applications were not acted upon due to a change in statute. When this is considered, the Department approved 93% of all permit applications within the applicable regulatory time limits.

The Department recognizes the need for improvement in the Air Pollution Control Permitting process. The Department will review the APC permitting process using LEAN events to identify and implement procedures to process permit applications more efficiently and effectively. The Department plans to proceed with a change in the Air Pollution Control Regulations that will allow the Department to issue a combined General Permit for Construction and Operation for Non-Title V facilities. Specific air pollution permit applications that are good candidates for general permits are gasoline stations, drycleaners, automobile paint and body shops, etc. This is similar to the process used by the solid waste program for convenience center permits and the Division of Water Resources for construction storm water permits. The Department will also conduct a workload analysis, prioritize Division responsibilities and reallocate staff to improve permit processing.

Should there be questions or concerns about this report, please contact the Department.

**Table 20. SUMMARY OF PERMIT COMPLETENESS REVIEW SUCCESS**

**Permit Application Completeness Review Report**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS</b>	<b>Applications on Hand – 7/1/12</b>	<b>Applications Received between 7/1/12 and 6/30/13</b>	<b>Total Applications for Completeness Review thru 6/30/13</b>		<b>Applications Under Review - Time Frame has not Expired</b>	<b>Applications Reviewed for Completeness within the Regulatory Time Limit</b>	<b>Applications Not Reviewed for Completeness within Regulatory Time Limit</b>
<b>Air Pollution Control</b>	300	624	924		63	861	0
<b>Solid Waste</b>	0	423	423		2	418	3
<b>Hazardous Waste</b>	19	28	47		3	44	0
<b>Lead Based Paint and Asbestos</b>	0	0	0		0	0	0
<b>Radiological Health – Radioactive Materials</b>	0	1159	1159		0	1159	0
<b>Radiological Health – X-Ray Equipment</b>	0	2217	2217		0	2217	0
<b>Water – Natural Resources</b>	8	3190	3198		17	2997	184
<b>Water – Water Based Waste Water Treatment</b>	6	613	619		2	452	165
<b>Water – Land Based Waste water Treatment</b>	43	198	241		12	197	32
<b>Water - Mining and Oil &amp; Gas</b>	84	995	1079		0	1067	12
<b>Water – Drinking Water Programs</b>	65	1665	1730		0	1722	8
<b>Totals</b>	<b>525</b>	<b>11112</b>	<b>11637</b>		<b>99</b>	<b>11134</b>	<b>404</b>

## SUMMARY OF PERMIT APPLICATION APPROVAL/DENIAL PROGRESS

**Table 21. Permit Application Approval/Denial Report**

PERMIT APPLICATIONS & MODIFICATIONS	Applications on Hand – 7-1-12	Applications Received between 7/1/12 and 6/30/13	Applications to be Reviewed thru 6/30/13		Applications Under Review - Review Period has not Expired	Applications Approved or Denied within Regulatory Time Limit	Applications Not Approved or Denied within Regulatory Time Limit
Air Pollution Control	459	789	1248		238	604	406
Solid Waste	0	416	416		0	413	3
Hazardous Waste	1	283	284		0	284	0
Lead Based Paint and Asbestos	837	2424	3261		0	3103	158
DRH - Radioactive Materials	0	1159	1159		0	1159	0
DRH - X-Ray Equipment	0	2217	2217		0	2217	0
Water – Natural Resources	9	3170	3179		20	2957	202
Water – Water Based Waste Water Treatment	68	552	620		0	580	40
Water – Land Based Waste Water Treatment	49	7379	7428		365	6030	1033
Water - Mining and Oil & Gas	95	1029	1124		0	1123	1
Water – Drinking Water Programs	65	1665	1730		3	1719	8
<b>GRAND TOTALS</b>	<b>1583</b>	<b>21083</b>	<b>22666</b>		<b>626</b>	<b>20189</b>	<b>1851</b>

## **Appendices**

- Appendix 1. 2012 Amendment to the Department of Environment and Conservation Statute - Review of Permits for Completeness and Permit Decisions**
- Appendix 2. Applicable Regulations for Permit Completeness Review and Permit Issuance**

Title 4 State Government  
Chapter 3 Creation, Organization and Powers of Administrative Departments and Divisions  
Part 5 Department of Environment and Conservation

Tenn. Code Ann. § 4-3-506 (2012)

**4-3-506. Making completeness determinations and issuing or denying permits within time frame specified in department's rules and regulations.**

- (a) It is the intent of the general assembly that the department of environment and conservation seek to accomplish making a completeness determination and issuing or denying any permit within the time frames specified by the department's rules and regulations.
- (b)(1) The commissioner shall prepare semiannual permitting efficiency reports that include statistics on whether the department has timely acted on permit applications pursuant to the appropriate rule. The reports are due February 1 and August 1 of each year beginning in 2013.
- (2) For permit applications that have not met the time frame required by rule, the report must state the reasons for not meeting the time frame. In stating the reasons for not meeting the time frame, the commissioner shall separately identify delays caused by the responsiveness of the applicant, lack of staff, scientific or technical disagreements, or the level of public engagement.
- (3) The report shall specify the number of days from initial submission of the application to the day of determination that the application is complete. The report due August 1 of each year must aggregate the data for the year and assess whether the program or system changes are necessary to achieve the time frame as specified by rule.
- (4) The report shall be posted on the department's web site and electronically submitted to the governor and members of the general assembly.

**HISTORY:** Acts 2012, ch. 980, § 1



## Appendix 2. Applicable Regulations for Permit Completeness Review and Permit Issuance

Division	Rule Citation	Statute or Rule Language	Completeness Review Time	Approval Denial Time or
TN WQCA	T.C.A. 69-3-108(r)	<p>(r) A person desiring to alter a specific water of the state may request a determination from the commissioner that it is a wet weather conveyance and submit a report from a qualified hydrologic professional in support of the request. If the report contains all information that is required in rules promulgated by the board, and in accordance with department procedures and guidance, and is certified by a qualified hydrologic professional to be true, accurate and complete and, if submitted after promulgation of the rules required by § 69-3-105(l), contains all information that is required in those rules, then the determination made in the report shall be presumed to be correct, unless the commissioner notifies the person, in writing, within thirty (30) days of submittal of the report, that the commissioner has affirmatively determined that there is a significant question about whether the water of the state in question is a stream or a wet weather conveyance and states the reasons for that determination. In that event, the commissioner must, within thirty (30) days following the initial notification, determine whether the water of the state in question is a stream or a wet weather conveyance and notify the person in writing of that decision and the reasons for that determination. A person may appeal a determination by the commissioner that the specific water is a stream by filing a petition for appeal with the board within thirty (30) days of receiving the commissioner's decision. For purposes of this subsection (r), a qualified hydrologic professional is a person holding a bachelor's degree in biology, geology, ecology, engineering or related sciences, having at least five (5) years of relevant experience in making hydrologic determinations and who has been certified as a hydrologic professional pursuant to rules promulgated by the board.</p>	Statutory Authority & Specified Time Period	

Coal & Surface Mining Act	59-8-205(a)(8)	(8) The applicant for a surface mining permit shall give public notice at least one (1) day prior to the filing of an application in a newspaper of general circulation covering the county where the proposed surface mine is to be located of the applicant's intent to operate a surface mine, and its proposed location. The information to be included in the public notice shall conform to regulations issued by the commissioner. In addition, the commissioner will receive any written statements from any interested person or groups of persons, and such statements shall be taken into consideration when the commissioner makes a determination of the application. The commissioner shall then, in not less than forty-five (45) nor more than sixty (60) days from the filing of the application for a permit, either approve application or notify the operator in writing, stating in detail the reason for not approving the application. If the application is approved, the permit will be granted upon the posting of the required bond. The action on the part of the commissioner in failing to grant any permit may be appealed to the board and the courts as provided in the Tennessee Coal Surface Mining Law of 1980, compiled in part 3 of this chapter.	Statutory Authority & Specified Time Period	60 days to approve/deny surface mining permit & prospecting permit
WRD - Wet Weather Conveyance	0400-40-17-.04(3) - Page 4	(3) If the department has made such a determination that there is a significant question regarding such a submittal, then the department shall, within thirty (30) days following the date of such notification, determine whether the water of the state in question is a stream or wet weather conveyance, and notify such person in writing, or by electronic mail, of that decision and the reasons for that determination.		30 days to question wet weather conveyance determination
WRD - Wet Weather Conveyance	0400-40-17-.04(4) - Page 4	If the department rejects the hydrologic determination submitted by a certified QHP on behalf of a person desiring to alter a specific water of the state who has requested a determination from the commissioner that the watercourse is a wet weather conveyance, that person may appeal the department's determination that the specific water is a stream by filing a petition for appeal with the board within thirty (30) days of receiving the department's rejection.		30 days for QHP to appeal TDEC decision on WWC

Plans for Construction & Operation	1200-04-02-.10(2)	Reports may be required weekly, monthly, or as deemed reasonable and necessary and directed by a representative of the Commissioner. These reports will serve to ascertain the continuous and satisfactory operation of the works in such manner as to ensure the protection of water quality. These reports shall be true and accurate and shall not contain false or misleading information. An authorized representative of the Commissioner shall review the submittals and shall, within thirty (30) days of receipt of same, notify the responsible person or the responsible person's agent, in writing, of any deficiencies in operation so noted.		Requires review of all wastewater reports and response within 30 days of receipt
WRD - Antidegradation Rule	1200-04-03-.06(4)(a)7. Page 29 - Exceptional Tennessee Waters	Other waters with outstanding ecological, or recreational value as determined by the department. When application of this provision is a result of a request for a permit, such preliminary application is to be made within 30 days of a complete application.		30 days for determination of ONR waters
WRD - WPC Permit Requirements	1200-04-05-.05(1) and (2). - Page 10	1. Any person who plans to engage or is engaging in any of the activities outlined in Section 69-3-108(b) or (c) of the Act must make application in writing to the commissioner for a permit, or for modification of an existing permit; except where a person discharges into a publicly owned sewerage system or into a septic tank connected only to a subsurface drain field. 2. Applicants must complete and submit standard application forms supplied by the commissioner together with such engineering reports, plans and specifications as are required. The commissioner may subsequently request additional reasonable information as required in order to make the permit decision. If an environmental impact statement is required by federal regulation, the commissioner may require the applicant to pay for its preparation. Processing of an application shall not be completed until all requested information has been supplied. The applicant will be provided notice of completeness of the application and re-submitted material within 30 days of a determination that such material constitutes a complete application. This provision does not preclude the commissioner from later requesting additional material that subsequent to the notice of completeness is determined to be necessary for permit processing.	30 day completeness determination for all water permits	ITB, Water Withdrawal CAFO, Pretreatment, ARAP, Construction Stormwater, Municipal Stormwater etc.
WRD - WPC Permit Requirements	1200-04-11-.03(1)(a) - Page 14	Permits required under Rule 1200-04-11-.02 (2)(a)1 shall be issued or denied within 90 days of receipt of the application. If a public hearing is scheduled, in response to comments by interested parties or the applicant requests additional time, an additional 90 days may be added to the allowable timeframe. - Permit Types - ARAP & 401 Certifications		90 days for 401 & ARAP permits; 90 more days under certain circumstances

WRD - WPC Permit Requirements	1200-04-11- .03(1)(b) - Page 14	Permits required under Rule 1200-04-11-.02 (2)(a)2 shall be issued or denied within 30 days of receipt of application		30 days for Construction stormwater permits
WRD - WPC Permit Requirements	1200-04-11- .03(1)(c ) - Page 14	Permits for major industries or sewage treatment facilities with flow over 1 MGD shall be issued within 1 year of receipt of the application. If a public meeting is scheduled into comments by interested parties, additional time is requested by the applicant or EPA requests additional time, an additional 90 days may be added to the allowable timeframe		365 days for NPDES permits wit flow of 1 MGD or more
WRD - WPC Permit Requirements	1200-04-11- .03(1)(d )	All other permits for wastewater treatment systems required under rule 1200-4-11-.02(b) shall be issued within 180 days of receipt of the application. If a public meeting is scheduled into comments by interested parties, additional time is requested by the applicant or EPA requests additional time, an additional 90 days may be added to the allowable timeframe		180 days for all other NPDES [permits
WRD - WPC Permit Requirements	1200-04-11- .03(1)(e )	(e) The Division shall complete its review of plan documents within 30 days of receipt, provided the plans contain sufficient information to make the necessary determinations	30 days for plan review	
WRD - WPC Permit Requirements	1200-04-11- .03(1)(f )	If the Division fails to issue or deny the permit or review plans within the time frames specified above, the permit application filing/processing fee and/or plans review fee will be refunded to the applicant. EPF Fee Refund		Requires refund of fees if TDEC deadlines not met.
APC Construction Permits	1200-03-09- .01(1)(a) - Page 1	(1) Application for Construction Permit (a) Except as specifically exempted in Rule 1200-03-09-.04, no person shall begin the construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit for the construction or modification of such air contaminant source.		
APC Construction Permits	1200-03-09- .01(4)(a)1. - Page 4	(4) Prevention of Significant Air Quality Deterioration - (a) General Provisions 1. No new major stationary source or major modification, as defined in parts (b) 1. and (b) 2. of this paragraph, shall begin actual construction unless the requirements of this paragraph, as applicable, have been met.		
APC Construction Permits	1200-03-09- .01(2)(l)1. Page 37	(l) Public Participation - 1. Within 30 days after receipt of an application to construct, or any addition to such application, the Technical Secretary shall advise the applicant of any deficiency in the application or in the information submitted. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this section, the date on which the Technical Secretary received all required information.	30 days after receipt to determine deficiencies	

APC Construction Permits	- 1200-03-09-.01(2)(l)2. Page 37	2. The Technical Secretary shall make a final determination on the application no later than 6 months after receipt of a complete application. If there is a need for a longer period of time for review, it shall be agreed upon by mutual consent. In no case may this review period be longer than 1 year. The review process involves performing the following actions:		6 months for Construction Permit Decision
APC - Operating Permits	1200-03-09-.02(11) - Page 100	Any person planning to operate an air contaminant source constructed or modified in accordance with a construction permit issued by the Technical Secretary in rule 1200-03-09-.01 of this chapter shall apply for and receive an operating permit from the Technical Secretary after initial start-up of this said air contaminant source. Ninety (90) days shall be allowed for this, provided paragraph (3) of this rule is complied with. This time period is extended from ninety (90) to one hundred twenty (120) days if stack sampling has been required as a condition on the construction permit, which is further extended to sixty (60) days after the stack sampling report is required on the construction if a certain time is specified, provided the stack sampling report is filed with the Division within sixty (60) days of initial start-up or the time specified on the construction permit as that paragraph (3) of this rule is complied with.		90 days to issue with extensions based on conditions with options to increase to 120 days and 180 days

APC - Operating Permits	1200-03-09-.02(11)(a)1 Page 102	Initial Start-Up of the Major Stationary Source Operating Permit Program - Consistent with the provisions of subparagraph 1200-03-09-.02(11)(d), all operating permits in the possession of sources subject to the requirements of paragraph 1200-03-09-.02(11) are subject to permit revocation proceedings if the source does not file a timely, complete major source operating permit application within 120 days after the Technical Secretary files his written notification to the source that their major stationary source operating permit applications are due, regardless of the expiration date on the permit. Anything in this paragraph 1200- 03-09-.02(11) to the contrary notwithstanding, the current permit(s) in the possession of the source shall be effective until superseded by the issuance of major source operating permits under the provisions of this paragraph 1200-03- 09-.02(11), except that if a complete application or additional information requested by the Technical Secretary is not timely filed, then (i) the effectiveness of the current operating permits shall be suspended until such application or information is filed, and (ii), the current operating permits shall be subject to revocation proceedings at the discretion of the Technical Secretary. The preceding sentence shall also apply to renewals of major source operating permits. In addition, any operating permit application that does not seek to amend an existing operating permit without first undergoing construction permit review being processed by the Technical Secretary for such a source will be canceled upon such notification and the source shall abide by the terms of their most recent permit until it is superseded by the major source operating permit.		Requires permittee to submit operating permit within 120 days of notification by TS. If not permit subject to revocation
APC - Operating Permits	1200-03-09-.02(11)(a)2 Page 103	Once an operating permit has been issued to a source pursuant to the provisions of paragraph 1200-03-09-.02(11), the permit, its shield, (if one was granted) and its respective conditions will be extended and effective after its expiration date provided that the source has submitted a timely, complete renewal application to the Technical Secretary consistent with the provisions of item 1200-03-09-.02(11)(d)1.(i)(III) and section 1200-03-09-.02(11)(d)1.(ii)(I)III. The extension shall cease upon final permit action by the Technical Secretary. If the Technical Secretary's final permit action is contested, the provisions of TCA 4-5-320(b) shall rule as to the continued validity of the previous permit.		Permit shield for operating permit if TS does not take timely action

APC - Operating Permits	1200-03-09-.02(11)(a)3.(ii) Page 103	(ii) The Technical Secretary's failure to take timely final action on an application filed under the provisions of paragraph 1200-03-09-.02(11) is grounds for seeking administrative/judicial review. Timely, final action shall be determined according to the schedules for action established in paragraph 1200-03-09-.02(11).	Allows administrative action if TS does not approve/deny Operating Permit	
APC - Operating Permits	1200-03-09-.02(11)(a)4.(i) Page 104	Operational Flexibility - The owner or operator of a source subject to paragraph 1200-03-09-.02(11) may make certain changes at their facility that are contrary to or not addressed by the permit as provided in part 1200-03-09-.02(11)(a)4. (i) The following changes can be made by the permittee without requiring a permit revision, if the changes are not modifications under Title I of the federal Act or Division 1200-03 and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions): Provided, that the facility provides the Administrator and Technical Secretary with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days. The Technical Secretary may waive the 7 day advance notice in instances where the source demonstrates in writing that an emergency necessitates the change. Emergency shall be demonstrated by the criteria of part 1200-03-09-.02(11)(e)7 and in no way shall it include changes solely to take advantages of an unforeseen business opportunity. The source, Technical Secretary and EPA shall attach each such notice to their copy of the relevant permit: (I) The source may make a Section 502(b)(10) change if their written notification: I. Contains a brief description of the change within the permitted facility; II. Specifies the date on which the change will occur; III. Declares any change in emissions; and IV. Declares any permit term or condition that is no longer applicable as a result of the change. A. The permit shield provisions of part 1200-03-09-.02(11)(e)6 shall not apply to Section 02(b)(10) changes.		

APC - Operating Permits	1200-03-09-.02(11)(a)4.(ii) Page 105	(ii) The source may make operational flexibility changes that are not addressed or prohibited by the permit without a permit revision subject to the following requirements: (I) The change cannot be subject to a requirement of Title IV of the Federal Act or Chapter 1200-03-30. (II) The change cannot be a modification under any provision of Title I of the federal Act or Division 1200-03. (III) Each change shall meet all applicable requirements and shall not violate any existing permit term or condition. (IV) The source must provide contemporaneous written notice to the Technical Secretary and EPA of each such change, except for changes that are below the threshold of insignificant activities and emission levels that are specified in Rule 1200-03-09-.04. (V) Each change shall be described in the notice including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change. (VI) The change shall not qualify for a permit shield under the provisions of part 1200-03- 9-.02(11)(e)6. (VII) The permittee shall keep a record describing the changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes. The records shall be retained until the changes are incorporated into subsequently issued permits.		
APC - Operating Permits	1200-03-09-.02(11)(c)1. Page 114	(c) Applicability - 1. The following air contaminant sources are subject to the requirements of paragraph 1200-03-09-.02(11): (i) Any major source; (ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Federal Act, Part 1200-03-07- .07(4), part 1200-03-07-.07(5) or Chapter 1200-03-16; (iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Federal Act, chapter 1200-03-11, or chapter 1200-03-31 except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Federal Act or Chapter 1200-03-32; (iv) Any affected source; and (v) Any source in a source category designated by the Administrator or Technical Secretary pursuant to the federal 40 C.F.R. Part 70 rules (FR Vol. 57, No. 140, Tuesday, July 21, 1992 p 32295-32312) or this paragraph respectively.	Requires APC Operating Permit	



APC - Operating Permits	1200-03-09-.02(11)(c)2. Page 114 & 115	The following air contaminant sources are exempt from the requirements of paragraph 1200-03-09-.02(11): (i) All non-major sources including those subject to Section 112 of the Federal Act or chapter 1200-03-11 or Chapter 1200-03-31 and section 111 of the Federal Act or chapter 1200-03-16. If the Administrator promulgates future regulations which prohibit the exemption of a non-major source from the requirements of paragraph 1200-03-09-.02(11), such source will be so permitted by the Technical Secretary. Upon the Administrator's written notification to the Technical Secretary that such sources must be permitted according to the provisions of this paragraph 1200-03-09-.02(11), the Technical Secretary shall notify the sources that the applications are due within 180 days of his written notice. The Technical Secretary shall have up to 90 days to accomplish the notification commencing upon his notification from the Administrator. (ii) An affected source does not qualify for exemption from the provisions of paragraph 1200-03-09-.02(11) even if it is a non-major source. (iii) A solid waste incinerator unit that is required to obtain a permit pursuant to section 129(e) of the Federal Act does not qualify for exemption from the provisions of paragraph 1200-03-09-.02(11) even if it is a non-major source. (iv) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters are exempt from the provision of paragraph 1200-03-09-.02(11). (v) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 61, Subpart M – National Emissions Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation are exempt from the provision of paragraph 1200-03-09-.02(11).	Exempt from APC Operating Permit	
APC - Operating Permits	1200-03-09-.02(11)(d)1.ii(I) I and IV	II. Sixty (60) days will be allotted to the Technical Secretary from his receipt of the application for the purpose of determining whether or not the application is complete according to the Board-approved completeness checklist. This timeline is not applicable to minor modifications conducted under the provisions of subparts 1200-09-.02(11)(f) 5.(ii) & (iii).	Operating Permits - 60 days for completeness review	
APC - Operating Permits	1200-03-09-.02(11)(d)1.(ii)(I) I and IV Page 117	IV. The Technical Secretary shall have up to 60 days from his receipt of the application to review an application for completeness. At the conclusion of that period, the Technical Secretary shall notify the applicant of his findings in writing. In the absence of his timely notification that an application is incomplete, an application will be considered to be complete	Operating permits - 60 days for completeness review	

APC - Operating Permits	1200-03-09-.02(11)(e)6(i) Page 127	Except as provided in paragraph 1200-03-09-.02(11), the Technical Secretary shall if requested by the applicant, expressly include in a permit issued pursuant to paragraph 1200-03-09-.02(11) a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issue, provided that with any applicable requirements as of the date of permit issue, provided that conditions are met	Permit Shield	
APC - Operating Permits	1200-03-09-.02(11)(f)1.(ii) Page 130	Except as otherwise required by subparagraph 1200-3-30-.06(4)(d) affected sources shall have final action taken on permit applications filed with the Technical Secretary within 18 months of the date that they file their complete permit application. The Technical Secretary is authorized to set the due date of their initial applications to mesh with their Phase II acid rain permit applications such that their initial permit will contain both acid rain requirements and standard emission/procedural requirements. The Technical Secretary is instructed to consider any guidance promulgated by the Administrator relative to meshing Title V and Title IV at affected facilities when setting such application submittal dates.		18 months for TS to approve/deny permit application
APC - Operating Permits	1200-03-09-.02(11)(f)1.(iii) Page 130	To the extent practicable, the Technical Secretary shall give priority to the processing of operating permit applications to sources which are subject to either paragraph 1200-03-09-.01(4) or paragraph 1200-03-09-.01(5). Sources subject to paragraph 1200-03-09-.02(11) shall have final action taken on permit applications filed with the Technical Secretary within 18 months of the date that their application is deemed complete.		18 months for TS to approve/deny permit application
APC - Operating Permits	1200-03-09-.02(11)(f)1.(iv) Page 130	(iv) The Technical Secretary shall provide notice to the applicant of whether the application is complete within 60 days of receipt of an application in his office. Unless the Technical Secretary requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. For modifications processed through minor permit modification procedures, such as those in subpart 1200-03-09-02(11)(f)5(ii) or subpart 1200-03-09-.02(11)(f)5(iii) a completeness determination shall not be required of the Technical Secretary. An application that defaults to complete status through the Technical Secretary's failure to notify the applicant of its incompleteness within 60 days of his receipt, does not relieve the applicant of the duty to provide such supplemental information that the Technical Secretary must have in order to process the permit application	60 days for permit application permit determination	

APC - Operating Permits	1200-03-09-.02(11)(f)4.(iii) Page 132	Administrative permit amendment procedures shall be made according to the following criteria: (I) The Technical Secretary shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that he designates any such permit revisions as having been made pursuant to part 1200-03-09-.02(11)(f)4.		60 days to approve/deny administrative permit modification
APC - Operating Permits	1200-03-09-.02(11)(f)5.(ii)(I V) page 134	(IV) The Technical Secretary shall not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Technical Secretary that EPA will not object to the issuance of the permit modification, whichever is first, although the Technical Secretary can approve the permit modification prior to that time. Within 90 days of the Technical Secretary's receipt of an application under minor permit modification procedures or 15 days after the end of the Administrator's 45-day review period under the provisions of subpart 1200-03-09-.02(11)(g)3, whichever is later, the Technical Secretary shall: I. Issue the permit modifications as proposed; or II. Deny the permit modification application; or III. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or IV. Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by part 1200-03-09- 02(11)(g)1.		Minor permit modification - 90 days for TS to approve or 15 days after EPA Administrator's 45 day review.
APC - Operating Permits	1200-03-09-.02(11)(f)5.(iv)(I l) Pages 135 & 136	(iv) Significant modification procedures (II) Significant modifications shall meet all requirements of paragraph 1200-03-09-.02(11) including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal. The Technical Secretary shall endeavor to process all significant permit modification requests within 9 months after receipt of a complete application. The Technical Secretary is directed to program the resources of the Department's Division of Air Pollution Control such that at least 51 percent of the significant modification requests are processed within the 9 month period on a calendar year basis.		Significant/Major permit modifications - 9 months for TS to approve/deny
APC - Operating Permits	1200-03-09-.02(11)(f)5.(ii)(IV) Page 136	(IV) Timetable for issuance; The provisions of item 1200-03-09-.02(11)(f)5(ii)(IV) shall apply to modifications eligible for group processing except that the Technical Secretary shall take one of the actions specified in subitems 1200-03-09-.02(11)(f)5(ii)(IV) I through IV within 180 days of receipt of the application or 15 days after the end of the Administrator's 45 day review period under part 1200-03-09-.02(11)(g)3, whichever is later.		Group permit modifications - 90 days or 15 days after EPA Administrator's 45 day review time

<p>APC - Operating Permits</p>	<p>1200-03-09-.02(11)(f)6. Page 137</p>	<p>6. Reopening for Cause (i) Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances: (I) Additional applicable requirements under the federal Act become applicable to a major source subject to paragraph 1200-03-09-.02(11) with a remaining permit term of 3 or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original has been extended pursuant to part 1200-03-09-.02(11)(a)2. (II) Additional requirements (including excess emission requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.(III) The Technical Secretary or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit. (IV) The Technical Secretary or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.</p>		<p>Reopen for Cause - 18 months of rule change or error</p>
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APC - Operating Permits	1200-03-09-.02(11)(f)7. Page 138	7. Reopenings for Cause by EPA (i) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to part 1200-03-09-.02(11)(f)6, he is required under federal rules to notify the Technical Secretary and the permittee of such findings in writing. Upon receipt of such notification, the Technical Secretary shall investigate the matter in order to determine if he agrees or disagrees with the Administrator's findings. If he agrees with the Administrator's findings, the Technical Secretary shall conduct the reopening in the following manner: (ii) The Technical Secretary shall within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the Administrator grants additional time to secure permit applications or additional information from the permittee, the Technical Secretary shall have the additional time period added to the standard 90 day time period. (iii) EPA will evaluate the Technical Secretary's proposed revisions and respond as to their evaluation. (iv) If EPA agrees with the proposed revisions, the Technical Secretary shall proceed with the reopening in the same manner prescribed under subparts 1200-03-09-.02(11)(f)6(ii) and (iii). (v) If the Technical Secretary disagrees with either the findings of the Administrator that a permit should be reopened or an objection of the Administrator to a proposed revision to a permit submitted pursuant to subpart 1200-03-09-.02(11)(f)7(ii), he shall bring the matter to the Board at its next regularly scheduled meeting for instructions as to how he should proceed. The permittee shall be required to file a written brief expressing their position relative to the Administrator's objection and have a responsible official present at the meeting to answer questions of the Board. If the Board agrees that EPA is wrong in their demand for a permit revision, they shall instruct the Technical Secretary to conform to EPA's demand, but to issue the permit under protest preserving all rights available for litigation against EPA.		Reopening for cause due to EPA - 90 days to make permit modification change
APC - EPF Fee Rule	1200-03-26-.02(4)(d) - Page 14	(d) Upon receipt of a construction permit application, the Division must examine it to ensure that it is complete and advise the applicant in writing of its findings via certified mail. Thirty (30) days will be allowed for the review. The thirty (30) days completeness evaluation time period is extended to ninety (90) days for minor and conditional major sources of the nonattainment pollutant located within the boundary of a nonattainment area so designated by the Board and/or the United States Environmental Protection Agency. [Note: For ozone nonattainment the pollutant is Volatile Organic Compounds (VOC) and/or oxides of nitrogen.]	30 days to make completeness determination for construction permit	

APC - EPF Fee Rule	1200-03-26-.02(4)(d)4.	Upon receipt of a corrected application revised pursuant to part 1, 2, or 3 of this subparagraph, the Division shall re-evaluate the application and notify the applicant of its finding as to whether or not the application is considered to be complete. If the application is still deemed incomplete the source has the remainder of the initial one hundred eighty (180) day period to correct the deficiencies or forfeit the fee in its entirety. Unless a determination that a corrected application is not complete is made by the Division and communicated to the applicant via certified mail within thirty (30) days of receipt, the corrected application shall be deemed to be complete for the purpose of starting the Division's permit processing deadline schedule. However, if additional information is still needed to process the permit, the applicant has a duty to furnish said information or face denial of the permit.	Application deemed complete if Division does not act within 30 days of receipt of corrected application	
APC - EPF Fee Rule	1200-03-26-.02(5)(e) - Page 15	(e) The Division must make a decision to issue or deny a request for a construction permit and notify the applicant of that decision in accordance with the following time lines: 1. Major Source reviews must be completed in one hundred eighty (180) days, from receipt of a complete application unless a longer time period is agreed to in writing by the applicant. 2. Minor and Conditional Major Source reviews must be completed within one hundred fifteen (115) days from receipt of a complete application		180 days for Major Source and 115 days for Minor and Conditional Majors
APC - EPF Fee Rule	1200-03-26-.02(5)(f) and (g) - Pages 15 and 16	(f) In the event that the Division fails to process the construction permit application within the time lines established in subparagraph (e) of this paragraph, the Division will refund the permit filing/processing fee to the applicant in full. The refund will be made within thirty (30) days following the date that the deadline for a decision on that particular permit application was established. For refunds in excess of \$1,000, additional time to permit review and approval of the refund by the Tennessee Attorney General's Office shall be allowed. (g) The appropriate permit filing/processing fee shall be determined by the applicant from the following schedule: SCHEDULE A - CONSTRUCTION PERMIT FEES - Anticipated Maximum (Filing/Processing) Emission Rate Permit Fee, Less Than 10 Tons/Year \$ 100.00, 10 to < 100 Tons/Year \$ 500.00, 100 to < 250 Tons/Year \$1,000.00, 250 to < 500 Tons/Year \$2,000.00, 500 to < 1,000 Tons/Year \$3,000.00; 1,000 to < 5,000 Tons/Year \$4,000.00, 5,000 to Greater Tons/Year \$5,000.00		Division required to refund fees 30 days after decision date if permit decision is not made.

APC- Acidic Precipitation Control	1200-3-30-.06(1) Page 30	1) General. (40 CFR 72.72(b)) The Technical Secretary will issue or deny all Acid Rain permits in accordance with paragraph 1200-3-9-.02(11), including the completeness determination, draft permit, administrative record, statement of basis, public notice and comment period, public hearing, proposed permit, permit issuance, permit revision, and appeal procedures as amended by Rule 1200-3-30-.06 and Rule 1200-3-30-.07.	30 days for completeness review	see 1200-3-9
APC- Acidic Precipitation Control	1200-3-30-.06(2) Page 30	(2) Completeness. (40 CFR 72.72(b)(1)(i)(C)) The Technical Secretary will submit a written notice of application completeness to the Administrator within 10 working days following a determination by the Technical Secretary that the Acid Rain permit application is complete.	10 days to inform EPA of completeness determination	
APC- Acidic Precipitation Control	1200-3-30-.07(2)(a) Page 33	Permit modifications. (40 CFR 72.81) - (a) 1. Permit modifications shall follow the permit issuance requirements of Rule 1200-3-30-.06 and item 1200-3-9-.02(11)(f)5(iv)(II). 2. For purposes of applying part (a)1 of this paragraph, a permit modification shall be treated as an Acid Rain permit application, to the extent consistent with Rule 1200-3-30-.07.		9 months for TS to approve/deny permit modification
APC- Acidic Precipitation Control	1200-3-30-.07(2)(b) Page 33	(b) The following permit revisions are permit modifications: 1. Relaxation of an excess emission offset requirement after approval of the offset plan by the Administrator; 2. Incorporation of a final nitrogen oxides alternative emission limitation following a demonstration period; 3. Determinations concerning failed repowering projects under subpart 1200-3-30-.04 (2)(f)1(i) and part 1200-3-30-.04(2)(f)2; and 4. At the option of the designated representative submitting the permit revision, the permit revisions listed in subparagraph 1200-3-30-.07(3)(b).	Clarifies what constitutes a permit modification	
APC- Acidic Precipitation Control	1200-3-30-.07(3)(a)4. Page 34	Within 30 days of the close of the public comment period, the Technical Secretary will consider the fast-track modification and the comments received and approve, in whole or in part or with changes or conditions as appropriate, or disapprove the modification. A fast-track modification shall be effective immediately upon issuance, in accordance with item 1200-3-9-.02(11)(f)1(i)(V) as applied to significant modifications.		TS shall issue or deny fast track permit modification within 30 days of end of public notice - comment period
APC- Acidic Precipitation Control	1200-3-30-.07(4) Page 34	(4) Administrative permit amendment. (40 CFR 72.83) - (a) Administrative amendments shall follow the procedures set forth at subpart 1200-3-9-.02(11)(f)4(iii). The Technical Secretary will submit the revised portion of the permit to the Administrator within 10 working days after the date of final action on the request for an administrative amendment.		Administrative Amendments to permits - 60 days to make permit decision

APC- Acidic Precipitation Control	1200-3-30-.07(4)(a). Page 34	The draft permit shall be subject to the requirements of Rule 1200-3-30-.05 and Rule 1200-3-30-.06. (c) Any reopening of an Acid Rain permit shall not affect the term of the permit.		TS has 60 days to approve or deny administrative permit amendment
APC- Acidic Precipitation Control	1200-3-30-.07(6). Page 35	Permit reopenings. (40 CFR 72.85) - (a) As provided in part 1200-3-9-.02(11)(f)6, the Technical Secretary will reopen an Acid Rain permit for cause, including whenever additional requirements become applicable to any affected unit governed by the permit. (b) In reopening an Acid Rain permit for cause, the Technical Secretary will issue a draft permit changing the provisions, or adding the requirements, for which the reopening was necessary.		Permit re-openings - 18 months from rule change or error
DRH	0400-20-10-.18	Renewal of License - (1) Applications for renewal of specific licenses shall be filed in accordance with Rule 0400-20-10-.11. (2) In any case in which a licensee, not less than 30 days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the Division.	RAM License Shield during renewal	
DRH	0400-20-10-.19 AMENDMENT OF LICENSES AT REQUEST OF LICENSEE.	Applications for amendment of a license shall be filed in accordance with Rule 0400-20-10-.11 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment		
DRH	0400-20-10-.20 DIVISION ACTION ON APPLICATION TO RENEW OR AMEND.	In considering an application by a licensee to renew or amend his license, the Division will apply the criteria set forth in Rules 0400-20-10-.12 and 0400-20-10-.13, as applicable.		



DRH	0400-20-10-.24(1) - Page 74	The owner or person having possession of any radiation machine or accelerator, except those specifically exempted in Rule 0400-20-10-.07, shall register such sources within 10 days after acquisition of such machine. The owner or possessor of any accelerator shall substitute an application for certified registration required in Chapter 0400-20-09. The application for certified registration must be received by the Department within 10 days after acquisition of the accelerator; however, an accelerator may not be energized until registered pursuant to Chapter 0400-20-09. In addition, every person who provides inspections as provided for in paragraph (4) of Rule 0400-20-10-.27 and every person who assembles, installs, or services radiation machines shall register with the Division of Radiological Health, Tennessee Department of Environment and Conservation. Registration under this rule shall be on Department Form RHS 8-4, Form RHS 8-4a or Form RHS 8-4b, as appropriate, as furnished by the Department and may be obtained from the Division of Radiological Health, L&C Annex, 3 <sup>rd</sup> Floor, 401 Church Street, Nashville, Tennessee 37243-1532. A registration fee in accordance with the Classification and Fee Schedule in paragraph (3) of this rule shall be due upon receipt of an invoice from the Division of Radiological Health following the submittal of the completed registration form. The check for the fee shall be made payable to "Treasurer, State of Tennessee."		X-Ray Registration - No time for completeness review or registration issuance
DRH	0400-20-10-.27(4) - Page 81	<b>0400-20-10-.27(4)</b> The Division will accept, as inspections for a reduced registration fee as provided for in subparagraph (3)(d) of Rule 0400-20-10-.24, inspections by individuals other than employees of the Division: (a) Whose inspections are satisfactory to the Division; (b) Who are registered with the Division; (c) Who are staff inspectors, or who have paid an annual registration fee to the Division; and (d) Who meet one set of the following criteria:		
DRH	0400-20-10-.31(5)(a) Page 101	Complete Applications (a) For the purpose of determining whether or not the Division has acted in the time frame established to process applications set forth in subparagraph (e) of this paragraph, the evaluation period shall not begin until a complete application has been filed in the Division of Radiological Health Central Office. All items on the application form shall be completed in sufficient detail to allow the Division to determine that the applicant's equipment, facilities and radiation protection program are adequate to protect health and minimize danger to life and property.	Requirement for permit completeness	

DRH	0400-20-10-.31(5)(c) Page 102	(c) Upon receipt of an application, the Division must examine it to ensure that it is complete and advise the applicant in writing of its findings via certified mail. 60 days will be allowed for the initial and each subsequent review per part 3 of this subparagraph	60 days for completeness	
DRH	0400-20-10-.31(5)(e) Page 102	(e) The Division shall make a decision to issue or deny a request for a new radioactive material license, except Category 12, and notify the applicant of that decision in no more than 365 days after receipt of a complete application, unless the Division has requested technical assistance in the review of the application from the Nuclear Regulatory Commission		365 day review time except for Class 12 Disposal facilities - 60 months
SWM - Solid Waste Program	0400-11-01-.07(6)(a) page 109	(6) Schedule for timely action on permit applications: (a) A completeness determination must be reviewed and the applicant notified within the following time frames: 1. Hydrogeologic Report for Disposal Facilities 30 days 2. Design and Construction Plans for Disposal & Compost Facilities 45 days	Completeness review 30 & 45 days	
SWM - Solid Waste Program	0400-11-01-.07(6)(b) Page 109	Schedule for timely action on permit applications: (a) A completeness determination must be reviewed and the applicant notified within the following time frames: 1. Hydrogeologic Report for Disposal Facilities - 30 days, 2. Design and Construction Plans for Disposal & Compost Facilities - 45 days, Permit applications shall be acted upon (issued or denied) by the Department within the following time after the application is certified to be complete: 1. Disposal Facility - Class I - 270 days, Class II - 270 days, Class III - 240 days; 2. Processing Facility; Permit-By-Rule - 90 days, Compost Facility - 120 days; 3. Major Modification; Regulatory Requirement - 180 days, Application - Plans Only - 240 days, Hydrogeologic - 270 days; and 4. Waste Evaluation - 30 days	Permit Decision - see schedule	Permit Decision - see schedule
SWM - Solid Waste Program	0400-11-01-.12(1)(b) - Page 127	(b) Applicability - The training and certification requirements of this rule apply to operators, attendants, and responsible persons for Class I landfills. One certified operator is required to be on-site during the hours of operation. However, a certified operator is not required to be on-site during the post closure period.		Certified SW Landfill Operators - No time limits

SWM – LBP	1200-1-18-.01(6)(b)2. - Page 9	If a training program meets the requirements in subparagraph (c) of this paragraph, then the Commissioner shall approve or disapprove the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the Division may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Division may also request additional materials retained by the training program under subparagraph (g) of this paragraph. If a training program's application is disapproved, the program may reapply for accreditation at any time.		180 days to approve/deny LBP Training Accreditation Program
SWM - LBP	1200-1-18-.01(6)(e)5.(viii) - Page 17	(viii) If a refresher-training program meets the requirements listed in this part, then the Commissioner shall approve or disapprove the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the Division may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Division may also request additional materials retained by the refresher-training program under subparagraph (g) of this paragraph. If a refresher-training program's application is disapproved, the program may reapply for accreditation at any time.		180 days to approve LBP Refresher Accreditation make accreditation decision
SWM - LBP	1200-1-18-.01(7)(a)1.(v) - Page 19	(7) Certification of Individuals Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities. [40 CFR 745.226] (a)1.(v) Certification of Individuals. An individual shall pass the Commissioner's third party certification exam for all disciplines, except Project Designer and Worker, and receive certification from the Commissioner within six (6) months after completing an initial lead-based paint training course; otherwise, the individual must retake the appropriate initial training course from an accredited training program, before reapplying for certification from the Commissioner.		Receive Accreditation 6 months form submission of application
SWM - LBP	1200-1-18-.01(7)(c)1. - Page 22	(c) Re-certification 1. To maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by the Commissioner in that discipline every three (3) years if the individual completed an accredited refresher-training course with a course test and hands-on assessment.		Individual Recertification - no time limits for TDEC

SWM – LBP	1200-1-18-.01(7)(d)3. Page 22	Certification of Firms to perform work - From the date of receiving the firm's complete application requesting certification, the Commissioner shall have ninety (90) days to approve or disapprove the firm's request for certification. Within that time, the Commissioner shall respond with either a Certificate of Approval or a letter describing the reasons for disapproval.		90 days to make accreditation decision
SWM – LBP	1200-1-18-.01(7)(d)5. Page 22	Recertification of LBP Remediation Firms - Firms applying for re-certification must submit the documents described in part 2 of this subparagraph and appropriate fees described in paragraph (18) of this Rule.		
SWM - Asbestos	1200-01-20-.02(2)(b) Pages 14 and 15	(2) Asbestos Training Provider Accreditation Application Process - The following are procedures a training provider shall follow to receive state accreditation from the Commissioner to offer asbestos initial and/or refresher training courses, and to obtain approval from the Commissioner for the training manager, principal and guest instructors: (b) Upon receipt, the Commissioner will review the application for completeness, and once deemed complete, evaluate the applicant's ability to comply with the requirements of paragraphs (3) and (4) of this Rule. The Commissioner will complete the review within 180 days after the application is deemed complete. The Commissioner, at his or her discretion, may work with an applicant to address inadequacies in the application for accreditation. The Commissioner may also request additional information, or consider additional information from other sources, including but not limited to a training provider's work history, and/or materials retained by that training provider under paragraph (7) of this Rule. In the case of approval, an accreditation certificate will be sent to a training provider which identifies the accredited initial and/or refresher training course or courses an accredited training provider may offer. In the case of disapproval, a letter describing the reasons for disapproval will be sent to the applicant. If disapproved, a training provider may reapply for accreditation at any time and pay the appropriate accreditation fee(s).		180 days to make accreditation decision
SWM - Asbestos	1200-01-20-.02(2)(g) - Page 15	Asbestos Training Provider Accreditation Application Process - Amended Applications - Changes to the initial and/refresher training program rosters such as the manager, principal instructor and/or guest instructor list shall be submitted by a training provider to the Commissioner for review, together with the documentation required by part (a)4 of this paragraph for each person to be approved. The Commissioner will submit written approval or disapproval within thirty (30) days of receipt of the completed amended application. An application review fee set forth in Rule 1200-01-20-.05(2)(a)1, Table 1 shall be submitted with the amended application.		30 days to approve/deny changes in accreditation

SWM Asbestos	- 1200-01-20- .02(6)(a) - Page 38	(6) Re-accreditation of training providers for Initial and/or Refresher Training Course(s) (a) A training provider's re-accreditation certificate to offer initial and/or refresher-training course(s) shall expire after two (2) years on the last day of the month of issuance. If a training provider meets the requirements of this paragraph, the training provider shall be re-accredited provided its accreditation has not be revoked or suspended due to non-compliance with part (1)(a)8 or subparagraph (1)(b) of Rule 1200-01-20-.06, or with Rule 1200-01-20-.08.		No time frame for completeness review or approval/denial
SWM Asbestos	- 1200-1-20- .03(2)(e) Page 41	Asbestos Professional Certification - Following the submittal of the information required by subparagraph (b) of this paragraph, the Commissioner will approve or disapprove a person's request for accreditation within sixty (60) days following the application being deemed complete. The Commissioner will review the completed application and any additional information, including but not limited to work history from other sources, and, after considering the requirements of subparagraph (f) of this paragraph and paragraph (3) of this Rule for the appropriate discipline, will respond with an Accreditation Certificate or a letter describing any deficiency.		60 days to approve individual accreditation
SWM - Asbestos	1200-01-20- .03(4)(a) - Page 48	Reaccreditation for Asbestos Professionals - (a) To maintain accreditation in a particular discipline, an accredited person shall complete the requirements of subparagraphs (c), (d) and (e) of this paragraph for the appropriate discipline(s) within sixty (60) days prior to or thirty (30) days after the expiration date of their current accreditation.		No specific time frames for application completeness or approval
SWM - Asbestos	1200-01-20- .03(5)(c ) Page 49	Accreditation of an Asbestos Firm - Following the submittal of a complete firm application in accordance with subparagraph (b) of this paragraph, the Commissioner will approve or disapprove a firm's request for accreditation within sixty (60) days following the application being deemed complete. The Commissioner will review the completed application and any additional information, including but not limited to work history from other sources, and respond with an Accreditation Certificate or a letter describing any deficiency.		60 days to approve/deny firm accreditation
SWM - Asbestos	1200-01-20- .03(5)(g) Page 50	(5) Accreditation and Re-accreditation of Firms - (h) A firm applying for re-accreditation shall submit the documents described in subparagraph (b) of this paragraph and the appropriate fee described in Rule 1200-01- 20-.05(2)(a)1, Table 2.		60 days to approve/deny firm re-accreditation

HW Transporters	0400-12-01-.04(2)(b)3.i Page 2	The Commissioner shall issue the permit within 15 days following his receipt of a new permit application (not a renewal), unless such application is by a person that (1) had previously held a permit that was terminated by the Commissioner for violation of the requirements of these rules, or (2) had been operating as a transporter in violation of the permit requirement of this paragraph. Such persons shall not be issued a permit unless and until they demonstrate, to the satisfaction of the Commissioner, their willingness and capability to comply with the Act and these rules. (ii) The Commissioner shall issue the permit for a renewal by January 31 following his receipt of the permit renewal application, unless such application is by a person that (1) had previously held a permit that was terminated by the Commissioner for violation of the requirements of these rules, or (2) had been operating as a transporter in violation of the permit requirement of this paragraph. Such persons shall not be issued a permit unless and until they demonstrate, to the satisfaction of the Commissioner, their willingness and capability to comply with the Act and these rules.		15 days to issue/deny transporter permit
HW - Interim Status Facilities	0400-12-01-.05(7)(a)1. Page 34	Applicability - Closure and Post-Closure Except as paragraph (1) of this rule provides otherwise: 1. Subparagraphs (b) through (f) of this paragraph (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and 2. Subparagraphs (g) through (k) of this paragraph (which concern post-closure care) apply to the owners and operators of: (i) All hazardous waste disposal facilities; (ii) Waste piles and surface impoundments for which the owner or operator intends to remove the wastes at closure to the extent that these subparagraphs are made applicable to such facilities in subparagraph (11)(i) or (12)(i) of this rule;	Interim Status facilities	
HW - Interim Status Facilities	0400-12-01-.05(7)(a)2. - Page 34	2. Subparagraphs (g) through (k) of this paragraph (which concern post-closure care) apply to the owners and operators of: (i) All hazardous waste disposal facilities; (ii) Waste piles and surface impoundments for which the owner or operator intends to remove the wastes at closure to the extent that these subparagraphs are made applicable to such facilities in subparagraph (11)(i) or (12)(i) of this rule; (iii) Tank systems that are required under subparagraph (10)(h) of this rule to meet requirements for landfills; and (iv) Containment buildings that are required under subparagraph (30)(c) of this rule to meet the requirement for landfills.	Interim Status Facilities	

HW - Interim Status Facilities	0400-12-01-.05(7)(b) - Page 35	(b) Closure Performance Standard - The owner or operator must close the facility in a manner that: 1. Minimizes the need for further maintenance, and 2. Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, and 3. Complies with the closure requirements of this rule including, but not limited to, the requirements of subparagraphs (10)(h), (11)(j), (12)(i), (13)(k), (14)(k), (15)(l), (16)(l), (17)(e), and (30)(c) of this rule.		
HW - Interim Status Facilities	0400-12-01-.05(7)(c)4.(iv) - Page 39 - Interim Status	0400-12-01-.05(7)(c)4.(iv) The Commissioner will provide the owner or operator and the public, through a newspaper notice, published by the owner or operator, as provided for in Rule 0400-12-01-.07(7)(e) and as prepared and required by the Commissioner, the opportunity to submit written comments on the plan and request modifications to the plan no later than 30 days from the date of the notice. The owner or operator shall provide proof of the completion of all notice requirements to the Commissioner within ten (10) days following conclusion of the public notice procedures. The Commissioner will also, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The owner or operator, as provided for in Rule 0400-12-01-.07(7)(e) and as prepared and required by the Commissioner, will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.) <b>The Commissioner will approve, modify, or disapprove the plan within 90 days of its receipt.</b> If the Commissioner does not approve the plan he shall provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan [four (4) copies] for approval within 30 days after receiving such written statement. The Commissioner will approve or modify this plan in writing within 60 days. If the Commissioner modifies the plan, this modified plan becomes the approved closure plan. The Commissioner must assure that the approved plan is consistent with subparagraphs (b) through (f) of this paragraph and the applicable requirements of paragraph (6) and subparagraphs (10)(h), (11)(i), (12)(i),(13)(k), (14)(k), (15)(l), (16)(l), (17)(e), and (30)(c) of this rule. A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.		Approve/Deny Closure Plan within 90 days of receipt

<p>HW - Interim Status Facilities</p>	<p>0400-12-01-.05(7)(h)6.(i) - Page 39</p>	<p>0400-12-01-.05(7)(h)6.(i) Post-closure Care and Use of Property 0400-12-01-.05(7)(h)6.(i) Post-closure Plan; Amendment of Plan 6. The Commissioner will provide the owner or operator and the public, through a newspaper notice, published by the owner or operator, as provided for in Rule 0400-12-01-.07(7)(e) and as prepared and required by the Commissioner, the opportunity to submit written comments on the post-closure plan and request modifications to the plan no later than 30 days from the date of the notice. He will also, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a post closure plan. The owner or operator will give public notice, as provided for in Rule 0400-12-01-.07(7)(e) and as prepared and required by the Commissioner, of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.) The owner or operator shall provide proof of the completion of all notice requirements to the Commissioner within ten (10) days following conclusion of the public notice procedures. <b>The Commissioner will approve, modify, or disapprove the plan within 90 days of its receipt.</b> If the Commissioner does not approve the plan he shall provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan (four (4) copies) for approval within 30 days after receiving such written statement. The Commissioner will approve or modify this plan in writing within 60 days. If the Commissioner modifies the plan, this modified plan becomes the approved post-closure plan. The Commissioner must ensure that the approved post-closure plan is consistent with subparagraphs (h) through (k) of this paragraph. A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.</p>		<p>Commissioner has 90 days to approve, modify/deny Post Closure Care Plan</p>
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HWM Individual Facilities	- 0400-12-01-.07(1)(b)7. Page 3	Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination standards under Rule 0400-12-01-.05(7)(b) must obtain a post-closure permit unless they can demonstrate to the Commissioner that the closure meets the standards for closure by removal or decontamination in Rule 0400-12-01-.06(11)(i), (12)(i) or (13)(k)5 respectively. The demonstration may be made in the following ways: (i) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that closure by Rule 0400-12-01-.06 removal standards were met. If the Commissioner believes that Rule 0400-12-01-.06 standards were met, he/she will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in part 8 of this subparagraph. See 0400-12-.01(1)(b)8.ii - 90 days from end of Public Notice and Comment period to approve or deny application. (see below)		Commissioner has 90 days after public notice and comment period to approve or deny post closure permit
HWM Individual Facilities	- 0400-12-01-.07(1)(b)(8)ii – Page 4	The Commissioner will determine whether the Rule 0400-12-01-.05 closure met Rule 0400-12-01-.06 closure by removal or decontamination requirements within 90 days of its receipt. If the Commissioner finds that the closure did not meet the applicable Rule 0400-12-01-.06 standards, he/she will provide the owner/operator with a written statement of the reasons why the closure failed to meet Rule 0400-12-01-.06 standards. The owner/operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Commissioner will review any additional information submitted and make a final determination within 60 days.		Commissioner has 90 days from receipt of complete of clean closure report to approve or deny closure
HWM Individual Facilities	- 0400-12-01-.07(7)(b)1. Page 70	Review of the Permit Application - The Commissioner shall review every permit application for completeness. Upon completing the review, the Commissioner shall notify the applicant in writing whether the application is complete. For new facilities, the Commissioner shall complete his review and issue this notice within 45 days after receipt of the Part B permit application. If the application is incomplete, the Commissioner shall list the information necessary to make the application complete. When the application is for an existing facility, the Commissioner shall specify in the notice of deficiency a date for submitting the necessary information. The Commissioner shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the Commissioner may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.	Completeness Review of Part B application for new facilities within 45 days of receipt.	
HWM Individual	- 0400-12-01-.07(7)(c)5.(i)	(c) Draft Permits - 5. (i) For new facilities, except as provided in subpart (ii) of this part, the Commissioner shall issue the notice of intent to deny or the draft	Commissioner must issue	

Facilities	Page 71	permit within 45 days after notifying the applicant that his application was complete (see part (b)1 of this paragraph).	denial letter within 45 days of complete application	
HWM Individual Facilities	- 0400-12-01-.07(7)(i)1. Page 78	Final Permit Decision – 1. After the close of the public comment period under subparagraph (e) of this paragraph on a draft permit (including a notice of intent to deny a permit), the Commissioner as set forth in T.C.A. §68-212-108(a) shall issue a final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under paragraph (6) of this rule). <b>For new facilities, this final decision shall be issued within 60 days after the close of the comment period.</b> The Commissioner shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For the purposes of this subparagraph, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. 2. A final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under paragraph (6) of this rule) shall become effective 30 days after the date of the service of notice of the decision under part 1 of this subparagraph unless a different date is specified in the decision or review is requested on the permit under subparagraph (k) of this paragraph.		60 days to approve/deny new permit application after public comment period ends
HWM Individual Facilities	- Rule 0400-12-01-.07(7)(k) - Page 79	If, in his final permit decision under subparagraph (i) of this paragraph, the Commissioner denied the permit or issued it subject to conditions with which the permit applicant disagrees, the applicant may appeal the decision to the Board as set forth in T.C.A. §68-212-113(a)2 and (b). If the Commissioner fails to take any action on a permit application within 45 days after it was submitted to him/her or fails to meet the time limits imposed by parts (b)1, (c)5, and (i)1 of this paragraph, the permit applicant may appeal to the Board as set forth in T.C.A. §68-212-113(a)3 and (b).	Allows appeal to the Board if Commissioner does not act within specific time frames	

HWM Individual Facilities	- 0400-12-01-.07(8)(a)12. Page 81	Conditions Applicable to all Permits [40 CFR 270.30] The following conditions apply to all permits, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to this subparagraph must be included in the permit. 12. Reporting Requirements Planned changes - The permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. Anticipated noncompliance - The permittee shall give advance notice to the Commissioner as soon as possible of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not commence treatment, storage, or disposal of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in part (9)(c)5 of this rule, until:(I) The permittee has submitted to the Commissioner by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and (II) I. The Commissioner has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or II. Within 15 days of the date of submission of the letter in item (I) of this subpart, the permittee has not received notice from the Commissioner of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.		Allows permittee to begin operation if Commissioner has not responded within 15 days.
HWM Individual Facilities	- 0400-12-01-.07(9)(a) - Page 87	0400-12-01-.07(9)(a) - Continuation, Transfer, Modification, Revocation and Reissuance, and Termination of Permits (a) Continuation of Expiring Permits When a permittee has made timely and sufficient application for a new permit, the existing permit does not expire until the Commissioner has made a final determination on issuance or denial and, in case the application is denied, or the terms of the new permit limited, until the last day for seeking review of the Commissioner's order or a later date fixed by order of the reviewing court. Page 87		Permit Shield - Existing Permit in Place until new Permit approved 180 days or less if approved

HWM Individual Facilities	- 0400-12-01-.07(9)(c)5.(i)	(i) Class I Modifications - (I) Except as provided in item II of this subpart, the permittee may put into effect Class 1 modifications listed in Appendix I to Rule 0400-12-01-.07 in paragraph (10) of this rule under the following conditions: I. The permittee must notify the Commissioner concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by paragraph (4), paragraph (5) and subparagraphs (1)(e) and (f) of this rule.		Completeness Review nor Time to Make a Decision are in the rule Effective upon submittal & Mailing list issuance
HWM Individual Facilities	- 0400-12-01-.07(9)(c)5.(ii)(VI) ) Page 94	Class II Modifications - (VI) I. <b>No later than 90 days after receipt of the notification request, the Commissioner must: A. Approve the modification request, with or without changes, and modify the permit accordingly; B. Deny the request; C. Determine that the modification request must follow the procedures in subpart (iii) of this part for Class 3 modifications for the following reasons:</b> (A) There is significant public concern about the proposed modification; or (B) The complex nature of the change requires the more extensive procedures of Class 3; D. Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or E. Notify the permittee that he or she will decide on the request within the next 30 days II. If the Commissioner notifies the permittee of a 30-day extension for a decision, the Commissioner must, no later than 120 days after receipt of the modification request: A. Approve the modification request, with or without changes, and modify the permit accordingly; B. Deny the request; C. Determine that the modification request must follow the procedures in subpart (iii) of this part for Class 3 modifications for the following reasons: (A) There is significant public concern about the proposed modification; or (B)The complex nature of the change requires the more extensive procedures of Class 3; or D. Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days. III. If the Commissioner fails to make one of the decisions specified in sub item II of this item by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Department action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Rule 0400-12-01-.05. If the Commissioner approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in sub item (ii)(VI) I, II or III of this item, such action cancels the temporary or automatic authorization. IV. A. In the case of an		90 days to approve or deny Class II Modification

		<p>automatic authorization under sub item III of this item, or a temporary authorization under section I D or II D of this item, if the Commissioner has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that: (A) The permittee has been authorized temporarily to conduct the activities described in the permit modification request, and (B) Unless the Commissioner acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit. B. If the owner/operator fails to notify the public by the date specified in section A of this sub item, the effective date of the permanent authorization will be deferred until 50 days after the owner/operator notifies the public. V. Except as provided in sub item VII of this item, if the Commissioner does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under subparagraph (c) of this paragraph. The activities authorized under this sub item must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Rule 0400-12-01-.05. VI. In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Commissioner must consider all written comments submitted to the Department during the public comment period and must respond in writing to all significant comments in his or her decision. VII. With the written consent of the permittee, the Commissioner may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.</p>		
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<p>HWM Individual Facilities</p>	<p>- Rule 0400-12-01-.07(9)(c)(5)(iii) Page 97</p>	<p>(j) Class 3 Modifications - (I) Class 3 Modifications - For Class 3 modifications listed in Appendix I to Rule 0400-12-01-.07 in paragraph (10) of this rule, the permittee must submit a modification request to the Commissioner that: I. Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit; II. Identifies that the modification is a Class 3 modification; III. Explains why the modification is needed; and IV. Provides the applicable information required by paragraph (4), paragraph (5) and subparagraphs (1)(e), (f) and (j) of this rule. (II) The permittee must send a notice of the modification request, including the actual dates of the public comment period, to all persons on the facility mailing list maintained by the Commissioner and to the appropriate units of State and local government as specified in items (7)(e)3(i)(II) through (V) of this rule and must publish this notice in a local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Commissioner evidence of the mailing and publication. The notice must include: I. Announcement of a 60-day comment period, and a name and address of a Department contact to whom comments must be sent; II. Announcement of the date, time, and place for a public meeting on the modification request, in accordance with item (IV) of this subpart; III. Name and telephone number of the permittee's contact person; IV. Name and telephone number of a Department contact person; V. Location where copies of the modification request and any supporting documents can be viewed and copied; and VI. The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Department contact person." (III) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility. (IV) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in item (II) of this subpart and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility. (V) The public shall be provided at least 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Department contact identified in the notice. (VI) After the conclusion of the 60-day comment period, the Commissioner must grant or deny the permit modification request according to the permit modification procedures of paragraph (7) of this rule, with the exception of subparagraph (a). In addition, the Commissioner must consider and respond to all significant written comments received during the 60-day comment period. (VII) Public</p>		<p>The Commissioner shall after the end of 60 day public comment period, follow the permit modification procedures of paragraph .07(7).</p>
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		Notice shall be provided by the permittee in accordance with subparagraph (7)(e) of this rule for the draft permit modification and the final permit modification.		
HWM Individual Facilities	- 0400-12-01-.07(9)(c)5.(x)(III) - Page 102	Combustion Permit Modification - If the Commissioner does not approve or deny the request within 90 days of receiving it, the request shall be deemed approved. The Commissioner may, at his or her discretion, extend this 90 day deadline one time for up to 30 days by notifying the facility owner or operator.		90 days to approve/deny combustion permit modification
HWM Individual Facilities	- 0400-12-01-.08(1)(i) Page 5	1. The following documents, when submitted separately, must be reviewed and the applicant notified within the following time frames: (i) Hydrogeologic Report - 180 days (Assessment Plan, Sampling and Analysis Plans, Groundwater Annual Reports, and Groundwater Monitoring Plan); (ii) Closure Plan - 180 days; (iii) Post-Closure Plan - 180 days; (iv) Review of Part A Application for Completeness - 45 days (v) Initial Review of Part B Application - 180 days Class 3 Permit Modifications (vi) Initial Review of Class 1 and 11 -Modification 60 days	Part A Application Completeness Review - 45 days, Part B Application Completeness Review 180 days,	Hydrogeologic Report, Assessment Plan, Sampling & Analysis Plans, Ground Water Annual Reports, Ground Water Monitoring Plan - 180 days to review, Closure Plan, Post Closure Plan - 180 days; Class 1 Modifications 60 days

<p>HWM Individual Facilities</p>	<p>- 0400-12-01-.09(2), Page 75</p>	<p>Solid Waste Military Munitions - Reinstatement of exemption. If any waste military munition facility loses its exemption under subpart 1(i) of this subparagraph, an application may be filed with the Commissioner for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subpart 1(i) of this subparagraph. If the Commissioner finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation or a demonstration that the violations are not likely to recur, the Commissioner may reinstate the exemption under Solid Waste Munitions - subpart 1(i) of this subparagraph. If the Commissioner does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Commissioner may terminate a conditional exemption reinstated by default in the preceding sentence if the Commissioner finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under subpart 1(i) of this subparagraph, the Commissioner may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.</p>		<p>Solid Waste Munitions - reinstatement of exemption if Commissioner does not act within 60 days</p>
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HWM Individual Facilities	- 0400-12-01-.07(11)	Remedial Action Plan - Special Permit under Rule 0400-12-01-.07 11 - Begins at page 114		
New* Commercial HW Permits *0400-12-02-.01(2)(a)	0400-12-02-.02(3)(d)1. Page 6	Review of the Permit Application - 1. The commissioner shall review every permit application for completeness. Upon completing the review, the commissioner shall notify the applicant in writing whether the application is complete. <b>The commissioner shall complete his review and issue this notice within 45 days after receipt of the Part B permit application.</b> If the application is incomplete, the commissioner shall list the information necessary to make the application complete. The commissioner shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the commissioner may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete. The commissioner shall provide copies of all such notices of deficiency and requests for information to all appropriate local community officials promptly upon issuance.	Completeness review within 45 days of receipt of New HW Commercial Permit Application	
New Commercial HW Permits	0400-12-02-.02(3)(e)5.(i) Page 7	5. (i) Draft Permit Decision - <b>Except as provided in subpart (ii) of this part, the commissioner shall issue the notice of intent to deny or issue the draft permit within 45 days after notifying the applicant that his application was complete (see part (d)1 of this paragraph).</b>		Commissioner required to issue initial approval or denial of permit within 45 days of receipt of complete new application
New Commercial HW Permits	0400-12-02-.02(3)(l)1. Page 11 & 12	Final Permit Decision - <b>1. Within 90 days after the close of the public comment period (under subparagraph (g) of this paragraph) on a draft permit (including a notice of intent to deny a permit), the commissioner shall issue a final permit decision.</b> In reaching such a final decision, the commissioner shall consider any reports submitted from local communities as set forth in § 68-212-108(f) of the Act. For the purposes of this subparagraph, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.		Commissioner required to issue final approval/denial of a new permit application within 90 days of closure of the public notice/public comment period

WRD – DWS	0400-45-01-.05(9)(f)13 Page 14	<b>The Division of Water Supply will be responsible for reviewing the application for certification and shall have up to 60 days from the receipt of the complete application to make a written response.</b> Units of local government will not be certified to review projects involving state or federal funds, raw water pump stations, new water sources, treatment facilities, sludge handling facilities, or any project designed by the staff of the local government. Any unit of local government which receives certification for plans review shall submit one copy of any plan documents it has approved to the Division of Water Supply. This shall be done within 10 days of the local government’s approval. The commissioner may periodically review the unit of local government’s plans review program and prescribe changes as deemed appropriate. The Division of Water Supply may execute a written agreement with a unit of local government which has received plans review certification. Failure to comply with the terms of the agreement may result in revocation of the plans review certification.		Division has 60 days to approve/deny from application receipt to delegate authority for plan review
WRD - DWS	0400-45-01-.32(2)(b)	The Department shall complete its review of plan documents within thirty days of the receipt of plans containing sufficient information to allow the Department to make the necessary determinations. Fees will not be refunded for projects that are not approved or that are withdrawn voluntarily by the applicant. Plans resubmitted within 30 days of an initial denial will be reviewed without additional fees provided the scope of the project has not changed.		30 days to approve or deny plans
WRD - DWS	0400-45-01-.32(2)(b) Page 157	<b>The Department shall complete its review of plan documents within thirty days of receipt of plans containing sufficient information to allow the Department to make the necessary determinations.</b> Fees will not be refunded for projects that are not approved or that are withdrawn voluntarily by the applicant. Plans resubmitted within 30 days of an initial denial will be reviewed without additional fees provided the scope of the project has not changed.		Division has 30 days to approve/deny complete set of plans
WRD - UIC	0400-45-06-.15(6) Page 73	Class I UIC Wells - 90 days for completeness review, 180 days for new well or existing well permit or 90 days for renewal or abandonment	90 day completeness review	90 days for permit decision
WRD - UIC	0400-45-06-16(6) - Page 74	Class II UIC Wells - 60 days for completeness review, 60 days to approve/deny permit	60 day completeness review	60 days for permit decision
WRD - UIC	0400-45-06-.17(6) Page 76	Class III UIC Wells - 90 days for completeness review, 60 days to approve/deny well	90 day completeness review	90 days for permit decision

WRD – UIC	0400-45-06-.18(3) Page 77	Class V UIC Wells - 60 days for completeness review, 60 days to approve/deny well	60 day completeness review	90 days for permit decision
WRD – GWP	1200-01-06-.21(1)(d)	Conventional, chamber, EPS and large diameter Graveless pipe subsurface sewage disposal systems permit application processing, making inspections and other regulatory activities relative to the construction of new conventional, chamber and large diameter Graveless pipe subsurface sewage disposal systems and modification or expansion of existing systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information.		Once application complete, 45 days to make permit decision
WRD - GWP	1200-01-06-.21(1)(e)	Alternative subsurface sewage disposal systems permit application up to one thousand (1,000) gpd. design flow processing (excluding chamber, EPS and large diameter Graveless pipe systems), making inspections and other enforcement activities relative to the construction of alternative subsurface sewage disposal systems and modification or expansion of existing systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information. Experimental subsurface sewage disposal systems permit application processing, making inspections and other enforcement activities relative to the construction of experimental subsurface sewage disposal systems and expansion of systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information.		Once application complete, 45 days to make permit decision
WRD - GWP	1200-01-06-.21(1)(i)	installer and pumper Permits – Enforcement activities relative to sewage system installers and septic tank pumpers. Permits shall be granted or denied within forty-five (45) days of the date of application.		Once application complete, 45 days to make permit decision
WRD - GWP	1200-01-06-.21(1)(n)	Domestic Septage Disposal Site Permit - Permit application processing, making inspections and other regulatory activity relative to domestic septage disposal sites, Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information		Once application complete, 45 days to make permit decision

WRD – Dams	1200-5-7-.04(1)(d) Page 5	The Commissioner shall examine the application for a certificate of approval and cause an on-the-ground inspection to be made of the existing or proposed dam or reservoir and downstream floodplain. He shall then, within sixty (60) days of the receipt of the completed application for a certificate of approval, either grant the certificate or disapprove it in writing, stating the reasons for disapproval. In the case of applications for construction certificates, applicants who fail to submit, within 18 months from the date of the original application submittal, plans or other detailed information required by the Commissioner must refile an application and plans review fee to obtain a construction certificate.		60 days to approve or deny Safe dam Certificate
WRD - NPDES Pre-Treatment	1200-4-14-.06(1)(d) - Page 10	1. Under receipt of a complete request, the Division will consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Division will then make a written determination of the applicable subcategory and state the reasons for the determination. 2. The Division shall forward the determination described in this paragraph to the EPA Water Management Division Director who may make a final determination. The EPA Water Management Division Director may waive receipt of these determinations. If the EPA Water Management Division Director does not modify the Division's decision within 60 days after receipt thereof, or if the EPA Water Management Division Director waives receipt of the determination, the Division's decision is final. 3. Where the EPA Water Management Division Director elects to modify the Division's decision, the EPA Water Management Division Director's decision will be final. 4. The Division shall send a copy of the determination to the affected Industrial User and the WWF.		Division approval within 60 days of recommendation for approval to EPA Water Management Division Director and approval or EPA waiver to act