Tennessee Department
of Environment and Conservation

Division of Solid Waste Management

SOLID WASTE PROGRAM

Policy and Guidance Manual

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September, 2005

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The following policies were placed in the Permit-By-Rule Standard Operating Procedure (SOP). Policies in bold type are in both the Policy and Guidance Manual and SOP Manual.

Copies of this SOP documents can be obtained from the Division of Solid Waste Management upon request.

Permit-By-Rule SOP	**Policy Title**
pn001	Permit-By-Rule Application Form Letter
pn002	Permit-By-Rule Notification General Instructions
pn004	Processing Facility Financial Assurance Worksheet
pn005	Permit-By-Rule Notification Form
pn006	Specific Instructions For Completing SW Permit-By-Rule Notification
pn007	Solid Waste Permit-By-Rule Conditions (Processing Facility)
pn008	Tire Disposal Conditions
pn009	Regulation of Transfer Stations
pn010	Permit-by-Rule Issue For Convenience Centers
pn019	Permit-By-Rule Application For Treatment of Petroleum Contaminated Soils
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pn122	Permit-By-Rule Status for Recycling Facilities

Special Waste Approval
Policy Manual Revisions

The following policies were placed in the Special Waste Approval Standard Operating Procedure (SOP). Policies in bold type are in both the Policy and Guidance Manual and SOP Manual.

Copies of this SOP documents can be obtained from the Division of Solid Waste Management upon request.

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The following policies were placed in the Solid Waste Facility Permit Standard Operating Procedure (SOP). Policies in bold type are in both the Policy and Guidance Manual and SOP Manual.

Copies of this SOP documents can be obtained from the Division of Solid Waste Management upon request.

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53	Solid Waste Part I Application
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The following policies have been archived because they are either no longer used by the Division or have been incorporated into other policies.

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15	Medical Waste – Non-Infectious Disposal (Incorporated with Policy 16)
17	Executive Order 33 - Moratorium on Medical Waste Incinerators
18	Executive Order 32 – Moratorium on Permitting Medical Waste Processing Facilities
20	TDOT Guidance Request – Contact With Contaminated Construction Areas
29	Contaminated Media Remediation Levels Memo
32	Liquid Restrictions Policy at Disposal Facilities/Units
35	Solid Rubber Wheels – Special Waste Inquiry Letter
36	Solid Rubber Wheels – Response Letter
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38	Mercury Containing Lamps and Lighting Ballasts
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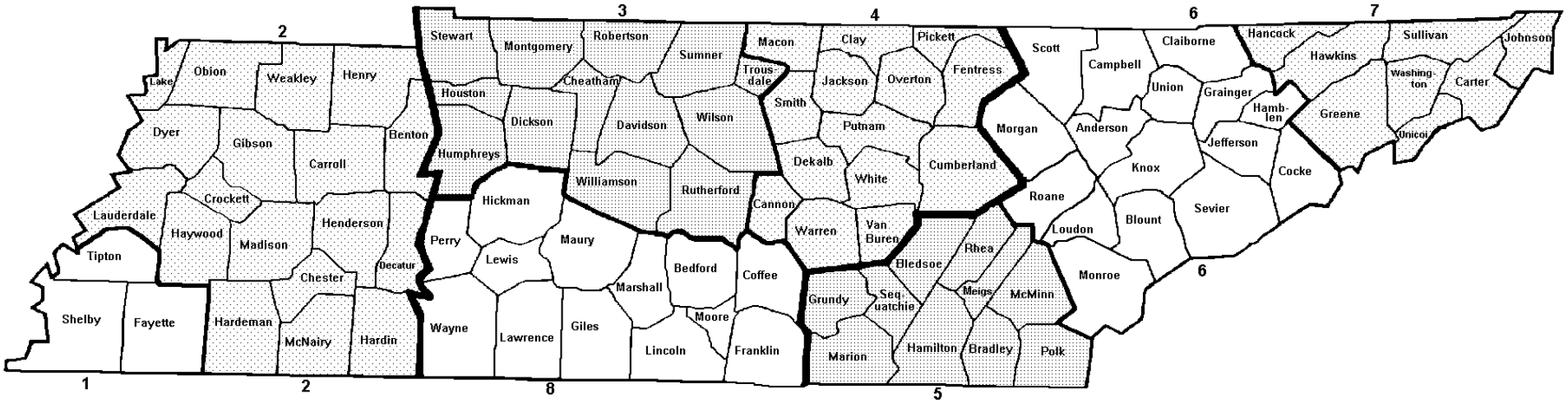
Tennessee Department of Environment and Conservation
Solid Waste Management Contacts



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policy/notebook/pn003
Updated October 2004

SOLID WASTE PERMIT BY RULE CONDITIONS

Rule 1200-1-7-.02 PERMITTING OF SOLID WASTE STORAGE, PROCESSING AND DISPOSAL FACILITIES
Section 1, part C, Permit By Rule

A solid waste processing facility shall be deemed to have a Permit By Rule if the following conditions listed are met:

(I) The operator complies with the notification requirement of part 2 of this subparagraph;

(II) The facility is constructed, operated, maintained, and closed in such a manner as to minimize:

I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;

II. The potential for explosions or uncontrolled fires;

III. The potential for releases of solid wastes or solid waste constituents to the environment except in a manner authorized by State and local air pollution control, water pollution control, and/or waste management agencies; and

IV. The potential for harm to the public through unauthorized or uncontrolled access;

(III) The facility has an artificial or natural barrier which completely surrounds the facility and a means to control entry, at all times, through the gate or other entrances to the facility;

(IV) The facility, if open to the public, has clearly visible and legible signs at the points of public access which indicate the hours of operation, the general types of waste materials that either will or will not be accepted, emergency telephone numbers, schedule of charges (if applicable), and other necessary information;

(V) Trained personnel are always present during operating hours to operate the facility;

(VI) The facility has adequate sanitary facilities, emergency communications (e.g., telephone), and shelter available for personnel;

(VII) The facility's access road(s) and parking area(s) are constructed so as to be accessible in all weather conditions;

(VIII) Except for composting facilities utilizing landscaping and land clearing wastes only, all waste handling (including loading and unloading) at the facility is conducted on paved surfaces;

(IX) There is no storage of solid wastes at the facility except in the containers, bins, lined pits or on paved surfaces, designated for such storage;

(X) Except for incinerators or energy recovery units, there is no burning of solid wastes at the facility;

(XI) There is no scavenging of solid wastes at the facility and any salvaging is conducted at safe, designated areas and times;

(XII) Wind dispersal of solid wastes at or from the facility is adequately controlled, including the daily collection and proper disposal of windblown litter and other loose, unconfined solid wastes;

(XIII) All liquids which either drain from solid wastes or are created by washdown of equipment at the facility go to either (1) a wastewater treatment facility permitted to receive such wastewaters under Tennessee Code Annotated Sections 69-3-101 et seq. (Tennessee Water Quality Control Act), or (2) other methods approved by the Commissioner;

(XIV) The facility receives no special wastes unless:

I. Such receipt has been specifically approved in writing by the Department, and

II. Special procedures and/or equipment are utilized to adequately confine and segregate the special wastes;

(XV) The operator can demonstrate, at the request of the Commissioner, that alternative arrangements (e.g., contracts with other facilities) for the proper processing or disposal of the solid wastes his facility handles are available in the event his facility cannot operate;

(XVI) The facility has properly maintained and located fire suppression equipment (e.g., fire extinguishers, water hoses) continuously available in sufficient quantities to control accidental fires that may occur;

(XVII) All waste residues resulting from processing activities at the facility are managed in accordance with this rule chapter or rule chapter 1200-1-11 (Hazardous Waste Management), whichever is applicable, and/or with any other applicable state or federal regulations governing waste management;

(XVIII) The facility is finally closed by removal of all solid wastes and solid waste residues for proper disposal. The operator must notify the Division Director in writing of his completion of closure of the facility. Such notification must include a certification by the operator that the facility has been closed by removal of all the solid waste and residues. Within 21 days of the receipt of such notice the Division Director shall inspect the facility to verify that closure has been completed. With 10 days of such verification, the Commissioner shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

(XIX) New solid waste processing facilities shall not be located in wetlands, unless the owner or operator makes the applicable demonstrations to the Commissioner as referenced at rule 1200-1-7-.04(2)(p).

(XX) The facility must not be located in a 100-year floodplain unless it is demonstrated to the satisfaction of the Commissioner that:

I. Location in the floodplain will not restrict the flow of the 100-year flood nor reduce the temporary water storage capacity of the floodplain.

II. The facility is designed, constructed, operated, and maintained to prevent washout of any solid waste.

(XXI) The facility does not:

I. Cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or

II. Result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

(XXII) The owner/operator may not store solid waste until the processing equipment has been installed on-site and is ready for use.

(XXIII) The owner/operator of a solid waste processing facility which has a solid waste storage capacity of 1000 cubic yards or greater shall file with the Commissioner a performance bond or equivalent cash or securities, payable to the State of Tennessee. Such financial assurance is intended to ensure that adequate financial resources are available to the Commissioner to insure the proper operation, closure, and post closure care of the facility. The types of financial assurance instruments and the amount of financial assurance required shall be in a form acceptable to the Commissioner. Such financial assurance shall meet the criteria set forth in T.C.A §68-211-116(a).

POLICY/notebook/pn007

Rule 1200-1-7-.04 SPECIFIC REQUIREMENTS.
Subpart .04(2)(k)3(i), Waste Restrictions

Tires shall be managed as follows:

3. Discarded Tires

(i) No landfill shall accept for disposal any whole tires. Tires received at class I, class II, class III and class IV disposal facilities shall be managed as follows:

(I) Tires may be disposed of in the same manner as other waste after they have been shredded, chipped, chopped, sliced, or have been otherwise processed and are rendered not whole to effectively prevent floating.

(II) Whole tires or shredded, chipped, chopped or circumferentially sliced tires may be stored on site provided that the tire storage areas conform with the following standards:

I. The storage area shall be surrounded by an 18 inch high earthen berm to manage run-on and run-off and be sufficient to contain water in the event of a fire, and to provide that:

A. All surface run-off is directed around the site;

B. All rain water collected within the berm must be directed to an appropriate release point; and

C. All fire control water can be contained until release is approved.

II. Tire piles shall be restricted to the following dimensions - 200 feet long, 50 feet wide, and 15 feet high. Whole tires shall be covered by a material sufficient to shield the tires from precipitation or an effective insect vector and rodent control program shall be established.

III. A buffer zone of at least 50 feet wide shall separate tire piles from each other and from active disposal areas.

IV. In order to reduce the risk of fires;

A. The storage areas and the buffer zone shall be kept free of brush and high grass;

B. No flammable liquids may be stored nor may equipment with an open flame be utilized in or within 50 feet of the storage area;

C. Communication equipment, capable of immediately notifying the responding fire department, shall be maintained; and

D. A letter assuring response from the responding fire district must be filed with the Division and the telephone number of the responding fire district must be posted at the facility. If service is not available specific fire control measures must be specified by letter to the Division.

V. The storage area may not be located:

A. On an active disposal area;

B. On a closed disposal area, unless no remaining area is available and remedial closure is specified in writing to the Division;

C. On an area to be utilized for disposal within one year;

D. In the 100 year floodplain, unless the demonstration is made to the Commissioner as required at Rule 1200-1-7-.04(2)(n); and

E. In wetlands, unless the demonstration is made to the Commissioner as required at Rule 1200-1-7-.04(2)(p).

VI. Tires or shredded tires may not be stored for more than one (1) year without the written approval of the Division. The operator shall maintain records sufficient to establish the date each tire pile within a storage area was begun.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 1, 2000

TO: DSWM Staff

FROM: Mike Apple, Director

SUBJECT: Regulation of Transfer Stations

Recent changes in the Solid Waste Program regulations added a new permit by rule category for transfer stations at rule 1200-1-7.02(1)(c)1(v) with corresponding fee language at rule 1200-1-7-.07, paragraphs (2) and (3).

A transfer station is defined as a combination of structures, machinery or devices at a place or facility which receives solid waste taken from municipal and private collection vehicles and which is placed in other transportation units for movement to another solid waste management facility. The Division of Solid Waste Management (DSWM) will now register all facilities that meet the definition of a transfer station, regardless of the type of loading method. **ALL TRANSFER STATIONS WILL BE CHARGED AN APPLICATION FEE OF $500 AND A MAINTENANCE FEE OF $1000/YEAR.**

In order to be registered as a transfer station, some type of fixed location (i.e. facility) with "structures, machinery, or devices" must exist. It is not the intent of DSWM to regulate those types of waste collections which use smaller collection vehicles to deliver wastes to a larger collection vehicle. Such operations do not use a fixed location for the transfer, nor would they be likely to have "structures, machinery, or devices" at those sites.

DSWM has encountered some waste collection operations which utilized trailers temporarily parked in areas that are unfenced and unattended. Such an operation is not a transfer station as defined by DSWM. Facilities consisting of trailers which have received waste collected from off-site and left unattended may, if warranted, be cited for disposal. If such trailers contain medical waste, State law defines this as a criminal violation under certain circumstances (T.C.A. §55-8-162).

policy/notebook/pn009

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: April 17, 1995

TO: DSWM Staff

FROM: Doye Rowland through Frank Victory

SUBJECT: Permit by Rule Issue for Convenience Centers (After the Minimum Number Per County is Achieved)

The above issue has been raised and clarification requested. Specifically, after a county has sited the minimum number of convenience centers (calculated by population or by square miles per Rule 1200-1-7-.10(2)(b)1(ii)), what standards are applicable to any additionally sited convenience centers? Does each additionally sited center have to meet convenience center standards? Are the additional facilities subject to permit by rule?

In response, if a county wants to site additional convenience centers beyond its minimum standard, each additional siting would be subject to the permit by rule requirements at Rule 1200-1-7-.02(1)(c)1(iv) for convenience centers. No fee would be due as provided at Rule 1200-1-7-.07(1)(b)7. The above would be true for facilities that meet the definition of convenience centers.

If facilities for collection were sited but do not meet the definition of convenience center, then convenience center standards would not be applicable. Each facility should then be evaluated to see if it is a solid waste processing facility (i.e. compacting) subject to permit by rule and subject to applicable fees for processing.

If the collection centers are not convenience centers and are not processing (such as compacting), there would be no permitting and no fees.

POLICY/notebook/10

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 16, 1991

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Special Waste Approval

Beginning October 1. 1991, all Special Waste Approvals must be signed by the Field Office Manager for the particular region in which the receiving facility is located. I realize there is some variation in approvals across the state, but as a matter of policy henceforth all Special Waste Approvals must be reviewed and signed by the Field Office Manager.

POLICY/notebook/11

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: October 8, 1993

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Division of Solid Waste Management's Policy Concerning Approval of Special Waste from Generators Who Reside Outside of the Jurisdiction of the State of Tennessee (Revised)

The purpose of this memorandum is to clarify the Division's policy concerning the approval of special waste for disposal in Tennessee's landfills from generators who reside outside of the jurisdiction of the Department of Environment and Conservation. In keeping with the policy of the Solid Waste Management Act of 1991, in order to ensure that no hazardous waste as regulated under Tennessee Code Annotated Title 68, Chapter 46 is disposed of in a solid waste disposal facility, and further in keeping with the mandates of this same section that all solid waste streams, baled waste and special waste generators and transporters be inspected to prevent the introduction of hazardous waste into solid waste disposal facilities, the following policy must be`` initiated immediately.

Prior to consideration for approval for any special waste generated by a person who resides outside of the boundaries of the State of Tennessee, a trip must be scheduled to visit the generator of the waste in order to inspect his facilities and the waste stream in question.

Because Division personnel do not have the latitude to make routine, unannounced inspections of generators who reside out of state, it is the Division's policy that any special waste originating from outside the Division's jurisdiction shall be subject to the following sampling plan:

1. Each bale or each four cubic yard volume of special waste received at a Tennessee facility must be randomly sampled and a TCLP analysis run on the sample. (If the waste is less than four cubic yards, then the quantity received must be tested.) Further, if it is suspected that any other contaminants or other waste characteristics may exist in this waste stream, any other analysis or information specified in the special waste approval must be provided.

2. Upon the receipt of this waste at a Tennessee facility, the operator of the facility must notify the appropriate Solid Waste Management field personnel at least twenty-four (24) hours prior to the landfill's receipt of such waste so that Division personnel have an opportunity to be present when the waste sampling occurs. Division personnel must be allowed an opportunity to split samples with the facility operator and take any samples deemed appropriate.

3. Unless otherwise specified in the special waste approval, no special waste generated from outside of Tennessee's jurisdiction may be disposed of until laboratory reports are received which indicate that the waste is not a hazardous waste and that it does not possess characteristics that prevent disposal.

4. All other special waste requirements normally associated with the approval of special wastes shall also apply to these special wastes.

The Director of the Division of Solid Waste Management may allow an alternative sampling plan if it is demonstrated to his satisfaction that the alternative plan is protective of health, safety and the environment considering all relevant circumstances.

POLICY/notebook/13

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 23, 1993

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: "Special Waste" Approval for Waste Generated by the Homeowner From his own Household

The regulations governing the management of "special waste" were designed to regulate waste posing special characteristics that was generated by facilities other than individual homeowners. Unfortunately, this is not spelled out in the regulations and when the regulations are strictly applied, such homeowner must have approval from the division and must pay a fee for any type of "special waste" (sludge, bulky waste, pesticide waste, medical waste, exempted hazardous waste, etc.), irregardless of quantity, which is disposed of in a Class I, II, III, or IV disposal facility. This means that the homeowner should have "special waste" approval of all household hazardous wastes, irregardless of quantity, and pay the $250.00 for each waste stream.

It is the intent of this policy to specifically exclude homeowners from having to obtain a "special waste" evaluation and approval from the Division prior to the disposal of their household waste generated from their place of residence. this exemption also includes the payment of the "special waste" approval fee.

POLICY/notebook/14

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 13, 2000

TO: DSWM Staff

FROM: Mike Apple, Director, Division of Solid Waste Management

SUBJECT: Tennessee Division of Solid Waste Management Policy for Landfill Disposal of Medical Wastes

The following policy is to clarify the Division's guidance on the disposal of medical waste. It reflects changes made to the *Solid Waste Processing and Disposal Regulations* that became effective July 2000. This policy also replaces policies 15 and 16 in the *Solid Waste Program Policy and Guidance Manual*.

REGULATORY DEFINITION

Rule 1200-1-7-.01(2) defines medical waste as follows:

"Medical Wastes" means the following solid wastes:

A. Wastes generated by hospitalized patients who are isolated to protect others from communicable diseases (see the U. S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals, July, 1983 for definition of diseases requiring such isolation).

B. Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

C. Waste human blood and blood products such as serum, plasma, and other blood components.

D. Pathological wastes (i. e., tissues, organs, body parts, and body fluids) that are removed during surgery and autopsy.

E. All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.

F. Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to pathogens in research in the production of biologicals, or in the invivo testing of pharmaceuticals.

G. The following wastes from patients known to be infected with bloodborne disease:

Contaminated wastes from surgery and autopsy (e.g., soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable gloves, lab coats, aprons).

Wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposal equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and lab coats.

Discard equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents.

WASTE RESTRICTIONS

Rule 1200-1-7-.04(2)(k)4 provides for the following waste restrictions. As described below, certain categories of medical waste may not be disposed of in sanitary landfills or may be disposed of only after the waste has been treated or packaged in certain ways.

(i) Sharps must be securely packaged in puncture-proof containers prior to landfilling.

(ii) Cultures and stocks of infectious agents and associated biologicals must not be landfilled unless and until they have been treated (e.g., autoclaved, incinerated) to render them non-infectious.

(iii) Human blood and blood products and other body fluids may not be landfilled. This restriction applies to bulk liquids or wastes containing substantive amounts of free liquids, but does not apply to simply blood - contaminated materials such as emptied blood bags, bandages, or “dirty” linens.

(iv) Recognizable human organs and body parts may not be landfilled.

SPECIAL WASTE APPROVAL PROCESS

Medical waste, by definition at rule 1200-1-7-.01(2), is a "special waste" and must be managed as follows:

Untreated Medical Waste

Untreated medical waste requires special waste approval as set forth at rule 1200-1-7-.01(4). The Division believes that medical wastes can be landfilled without identifiable risk to public health or the environment if certain precautions are taken. In order to assure that this occurs, the practices listed below must be strictly followed.

Operating Restrictions - Medical wastes must be managed at the landfill in accordance with the following provisions:

1. Medical wastes must be transported to the landfill separately from other solid wastes and in securely tied plastic bags or other leak-proof containers. Sharps must be packaged in medical waste containers designed to prevent puncture. Cardboard boxes, garbage bags, and plastic beverage containers are not acceptable for this purpose.

2. The landfill operator must obtain advance notice prior to receiving a shipment of medical waste, or a routine delivery schedule must be established, such that the operator will have time to prepare to receive the waste.

3. The landfill operator must confine unloading and disposal operations to a specific area, separate from the normal working face.

4. Soil or an approved cover material must be placed on the medical waste prior to compaction.

5. Before the end of the operating day, there must be at least one foot of compacted soil or other approved cover material placed over all medical waste received that day.

It should also be noted that a special waste approval does not obligate the landfill operator to accept medical waste for disposal. The operator may refuse to accept such waste or impose additional conditions on the medical waste generator.

Treated (Rendered Non-Infectious) Medical Waste

Treated medical waste **will not require individual special waste approval**. The Division recommends that all medical wastes be incinerated, steam sterilized, or otherwise rendered non-infectious prior to disposal in Class I disposal facilities. It shall be the practice of the Division to consider treated (rendered non-infectious) medical waste as an approved special waste if the following conditions are met:

1. The waste is rendered non-infectious by sterilization techniques prior to disposal;

2. A written description of the treated medical waste must be provided to the disposal facility;

3. A written and signed verification must be provided to the disposal facility that the waste has been rendered non-infectious; and

4. All waste restrictions at rule 1200-1-7-.04(2)(k)4 are met. Sharps must be packaged in medical waste containers designed to prevent puncture. Cardboard boxes, garbage bags, and plastic beverage containers are not acceptable for this purpose.

If there is a change in either the medical waste description or the process that renders the medical waste non-infectious, a new waste description and verification must be submitted. These conditions may either be met by the medical waste generator or a commercial processing facility.

policy/notebook/pn016

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 12, 1996 (Revision of SW 92-1 policy)

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Permit-By-Rule Application for Treatment of Petroleum Contaminated Soils

Introduction:

The following technical guidance is to be used by DSWM personnel in evaluating permit-by-rule notification for the treatment of petroleum contaminated soil. Since permit-by-rule authorization is for an indefinite period, all proposed treatment facilities must be reviewed as if they were permanent installations.

General:

A petroleum contaminated soils treatment facility (corporation) requires a permit-by-rule whenever soil from underground storage tanks (UST) is treated "off site", including:

1. UST contaminated soil treated on a site owned by a third party.

2. UST contaminated soil brought from out-of-state to be treated in Tennessee.

   A permit-by-rule is also required whenever petroleum contaminated soils from a source other than a UST cleanup are treated off site.

   Although the Division has received notifications from a number of commercial treatment operations, a permit-by-rule can be issued for off site treatment of soils from a single source.

Notification Requirements:

The following minimum criteria are to be included in any notification package for a soil treatment facility in addition to a full discussion of the standard conditions found in Rule 1200-1-7-.02(1):

1. Storage:

   Petroleum contaminated soil is to be stored:

   - on an impermeable surface,

- contained within an eighteen (18) inch high berm,

- covered to protect from precipitation.

2. Treatment:

Three methods are currently used to treat petroleum contaminated soils. The applicant must fully describe the proposed treatment process.

A. Thermal:

- soil is introduced into a rotary kiln for 3-4 minutes at a temperature of 400-600 degrees Fahrenheit, at which temperature contaminants are vaporized,

- the vaporized contaminants are burned in an afterburner at a temperature of 1400-1600 degrees Fahrenheit.

B. Aeration:

- soils to be decontaminated are spread over an impermeable surface,

- the soil is totally enclosed by a berm to prevent storm water run-off and run-on,

- soil is to be spread to a depth of not more than two (2) feet,

- the remediation are is to be equipped with a leachate system.

C. Bioremediation:

- This procedure uses microorganisms (bacterial & fungi) to accelerate the degradation of wastes, and especially organic compounds.

- the site layout should be identical to the aeration process except the depth of soil may be greater in that contaminated soil is often placed on top of existing soils. Some type of impermeable layer is still required.

- nutrients, oxygen, and microorganisms are introduced and allowed to percolate down into the soil. (NOTE: A permit-by-rule is not required for on-site treatment.)

3. Sampling/Testing:/Records

For incoming (non-treated) UST soils, records of analytical data must be kept by the facility and made available to Division staff during inspection.

UST soils, which treatment is reviewed and approved (by Div. of UST) and qualify for the permit exemption at Rule 1200-1-7-.02(1)(b)3(xiv), do not require special waste approval.

Incoming (non-treated) soil from non-UST or out-of-state contaminated soils require Special Waste approval including analytical data and fees.

After treatment, the soil is to be sampled by the facility operator to determine if:

- it contains less than ten (10) ppm of benzene, toluene, and xylene (BTX) and less than one hundred (100) ppm total petroleum hydrocarbons (TPH).

- sampling points will be evenly distributed throughout the entire volume of soil.

- sampling points will be retrieved from sufficient depth in the soil piles to insure the collection of fresh samples.

- field sampling results determine which samples contain the highest levels of contamination, and

- these are to be submitted for laboratory analysis in accordance with the table below:

Volume of treated soil (Cubic Yards)	Number of samples or lab analysis
0 - 60	1
60 - 240	2
240 - 480	3
480 - 720	4

NOTE: For each additional 240 cubic yards of material, take an additional sample.

- submit results of the laboratory analysis to the Division identifying the sampling points.

- based on the results the Division will make a determination concerning the ultimate disposition of the soils.

The Permit by Rule facility will keep records showing soil disposition and location.

NOTE: Treated UST soil qualifying for the permit exemption at Rule 1200-1-7-.02(1)(b)3(xiv) is exempt from any further permit requirements or special waste requirements and may be used for:

- fill material
- landfill material

POLICY/notebook/19

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

OFFICE CORRESPONDENCE

DATE: December 10, 1991

TO: All UST & SWM Staff

FROM: Chuck Head and Tom Tiesler

SUBJECT: Management of Petroleum Contaminated Soil From Leaking UST Sites

The purpose of this memo is to clarify the management of petroleum contaminated soils from leaking petroleum underground storage tank ("UST") sites. Due to the overlap of the Solid Waste Regulations and the Underground Storage Tank Regulations there has been much confusion among staff members about this issue. There is also a great deal of confusion in the regulated community concerning which Division oversees the treatment/disposal of petroleum contaminated soil.

Petroleum contaminated soil is generated whenever an UST has leaked. The soil may come from the permanent closure of an UST or from an UST site investigation and cleanup. Usually the soil is treated to remove the hydrocarbons to a level below the UST minimum cleanup levels 10 ppm Total Benzene, Toluene, and Xylene ("BTX") and 100 ppm Total Petroleum Hydrocarbons ("TPH").

The issue of concern is the Divisional responsibility for overseeing the soil treatment operations. There are four different scenarios involving petroleum contaminated soil treatment:

1. Treatment of Petroleum Contaminated Soil from leaking UST sites on the Site of Generation;

2. Treatment of Petroleum Contaminated Soil from leaking UST sites on a site owned by the Generator or a Subsidiary;

3. Treatment of Petroleum Contaminated Soil from leaking UST sites on a site owned by a Third Party, and

4. Treatment of Petroleum Contaminated Soil from leaking UST sites generated in another state.

Each of these categories will be discussed and the requirements for treatment/disposal will be presented as well as the Divisional responsibility for oversight. This should limit confusion in the regulated community and within the Department as well.

1. Treatment of Petroleum Contaminated Soil from an UST site On the Site of Generation

   This category of soil treatment is probably the least confusing. Under the authority of the TN Petroleum UST Act, T.C.A. 68-53-127, all on-site activities associated with the investigation and cleanup of releases from petroleum UST's are solely regulated under this statute. This is commonly known as the UST exclusivity provision. The Division of Underground Storage Tanks will continue to oversee soil treatment at these sites. In order to insure that petroleum contaminated soil is managed/treated properly and does not pose a hazard to citizens or the environment, the following conditions must be met:

   A. All petroleum contaminated soil must be placed on a relatively impermeable barrier. The barrier must be of sufficient strength/pliability to prevent tearing during the turning/tilling of the soil. The soil layer should be on deeper than 2 feet to allow easy turning and aeration;

   B. A berm must be placed around the entire perimeter of the soil pile to prevent run-off and run-on;

   C. The soil must be covered during all precipitation events;

   D. At a minimum the soil should be turned once every two weeks;

   E. The soil pile should not be within 100 ft. of any residence, business, or other place of human occupancy;

   F. All local and state air pollution laws/regulations must be followed;

   G. The treatment operation must be managed to prevent any off site releases;

   H. Soil cannot be reused/disposed of until the level of Total BTX is less than 10 ppm and the level of TPH is less than 100 ppm. The responsible party must have approval from UST for the final disposition of the soil. Treated soil below 10 ppm BTX and 100 ppm TPH may be used by landfills as cover material. This soil should not be used as fill material in residential or recreational areas.

   I. The soil treatment area must not be in a 100 yr. flood plain or a wetlands;

   J. The soil treatment can not violate any local rules or laws (i.e., zoning, business use, etc.); and

K. Technical Guidance Document 005 "Sample Requirements for Aerated and Stockpiled Soils Containing Petroleum" must be followed when complying with item H.

Treatment of Petroleum Contaminated Soil at a Location Other than the Site of Generation Owned by the Responsible Party or a Subsidiary

Petroleum contaminated soil from an UST site that is treated on a site other than the site of generation does not fall under the exclusivity provision of the TN Petroleum UST site. The exclusivity provision applies only to on-site activities; once contaminated media/debris leaves the site it is subject to all applicable rules and regulations. In this particular case the petroleum contaminated soil becomes regulated under 1200-1-7 et. seq. once it leaves the site.

The responsible party does not need a solid waste processing permit if the soil is treated on a site owned by the responsible party or one of its subsidiaries. The responsible party is the UST owner, company, person, corporation, etc. The property must be owned by the Responsible Party. Property owned by an individual who owns the company or works for the company does not fall into this category. This is allowed under the Solid Waste Processing and Disposal Rules, 1200-1-7-.02(1)(b)2(ix). Further if the petroleum contaminated soil from an UST site is treated in a manner approved by the Division of Underground Storage Tanks and the level of Total BTX is less than 10 ppm and the level of TPH is less than 100 ppm then the soil is no longer regulated as a solid waste. This is stated in the Solid Waste Processing and Disposal Rules, 1200-1-7-.02(1)(b)2(xiv).

To avoid confusion in the regulated community the Division of Underground Storage Tanks will continue to oversee petroleum contaminated soils in this category. This will also limit confusion between the two Divisions. The Division of Underground Storage Tanks will insure that soil treated at an alternate location owned by the responsible party or his subsidiary is managed as outlined in (1.) above The responsible party shall provide UST with a copy of the deed for the property used for treatment. Should the responsible parties fail to meet these requirements then the soil is a regulated solid waste and the site of treatment is an unpermitted solid waste disposal facility and the responsible party will be cited for illegal disposal of a solid waste. UST will initially investigate complaints concerning soil treatment at these sites. Should the treatment of petroleum contaminated soil at the site cause a problem UST will issue a Notice of Violation to the tank owner. If after 30 days (or other reasonable time period) the violation is not corrected the UST Field Office will contact the SWM Field Office to inform them of the problem. UST and SWM will make a joint site visit to document the problem. A compliance review meeting will then be held

by SWM concerning the site. UST personnel will attend the compliance review to present the concern over improper soil treatment. If after the compliance review meeting the problem is not resolved then the SWM Field Office will submit the case to the SWM Solid Waste Enforcement staff for formal enforcement action including a show cause meeting and issuance of a Commissioner's Order. UST personnel will attend showcause meetings if needed and testify before the Solid Waste Disposal Control Board as necessary.

*If any petroleum contaminated soils from sites other than UST sites are accepted for treatment then a Solid Waste Processing Permit is needed. A Solid Waste Processing Permit would be needed for the facility if it received petroleum contaminated soils from other states.

3. Treatment of Petroleum Contaminated Soil on a site owned by a Third Party

This category of soil treatment is specifically regulated by the Division of Solid Waste Management. Petroleum contaminated soil is a regulated solid waste once it leaves the UST site. If the property where the soil is taken for treatment is owned by a third party then a Solid Waste Processing Facility Permit is required. Should the Division of Underground Storage Tanks be asked to approve such a site for petroleum contaminated soil it will be referred to the Division of Solid Waste Management for permitting. No soil treatment may occur at this site until the solid Waste Processing Permit is approved by the Division of Solid Waste Management.
The Division of Underground Storage Tanks will approve the treatment of soils at permitted solid waste processing facilities, provided the facility is in compliance with the Division of Solid Waste Management. This will allow soil with Total BTX levels less than 10 ppm and TPH levels less than 100 ppm to be deferred from regulation as a solid waste.

4. Treatment in Tennessee of Petroleum Contaminated Soil Generated in another State

Treatment in Tennessee of petroleum contaminated soil generated in another state is not regulated under the Tennessee Petroleum Underground Storage Tank Act. Such soil is a special solid waste (requiring prior approval before acceptance by any permitted facility) under the Solid Waste Management Act and the Solid Waste Processing and Disposal Rules. Petroleum contaminated soils brought into Tennessee from another state are regulated by the Division of Solid Waste Management.
Should there by any questions on this issue you may call Mike Langreck (UST) at 615-532-0945. or Frank Victory at 615-532-0780.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 28, 1992

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Regulatory Status for UST Wastes, Tank Bottoms and Contents and Aboveground Petroleum Product Storage Tanks

In response to many questions, we have explored the issue of handling requirements for UST (debris and media), wastes generated in a product tank (tank bottoms); and tank contents (contaminated commercial chemical product which was a fuel to start) when they are recycled. It is our opinion that, while these are similar, and in some cases, related wastes, they require different, handling.

Rule 1200-1-11-.02(1)(b)2, states: "Materials are wastes if they are "abandoned" by being:

(i) Disposed of; or
(ii) Burned or incinerated;

Rule 1200-1-11-.02(1)(b)3(ii)(I), states: "Except as provided in part (II), materials listed in item (III) of this subpart are wastes when they are:

I. Burned to recover energy;
II. Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a waste)."

In the case of a UST corrective action, where the tanks are pumped and the entire contents returned to a refiner, distributor or fuel blender for use as a fuel, the above rule 1200-1-11-.02(1)(b)3(ii)(II) would apply. The commercial chemical product that is being removed was a fuel in the beginning. The water and/or sludge removed with the product would be contaminates, making the contents an off-specification commercial chemical product. Since this product never becomes a waste, it cannot be a hazardous waste.

In the case where an active petroleum tank that is to remain in use, has just the water an/or sludge pumped from it, but the product is left in the tank, the above rule would not apply. The water and/or sludge removed from the tank are not commercial chemical products and were never a fuel themselves, but are contaminants of the product. When these materials are removed a hazardous waste determination must be made on them. They are subject to the characteristics tests, including the D001 through D017 portion of the TCLP. Rule 1200-1-11-.02(1)(b)5(ii) reads: "The following materials are wastes, even if the recycling involves use, reuse, or return to the original process (described in items (i) (I) - (III)

of this part):" Subitem (II) of this part reads: "Materials burned for energy recovery, used to produce a fuel, or contained in fuels;..." Based on these rules, if these materials (water and sludge described above) are hazardous, the generator must notify the department of their generation; they must be packaged and shipped according to DOT and FSC standards; a Uniform hazardous Manifest must be used; they must be transported by a hazardous waste transporter, permitted to transport in Tennessee; and they must be shipped in a permitted TSD or registered hazardous waste fuel blender or burner. If shipped to a hazardous waste fuel blender or burner, the material must have a demonstrated energy value of 5,000 BTUs/pound.

The final category of wastes are media and debris. These wastes are contaminated ground water, soil, sand, etc.. Rule 1200-1-11-.02(1)(d)2 reads: "Wastes which are not a Hazardous Waste - The following wastes not hazardous wastes:

((viii) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristics of subparagraph (3)(e) of this Rule (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280 (as those Federal regulations exist on the effective date of this regulation)." This means that for media and debris to be excluded as a hazardous waste they must meet two tests:

1. They must pass the hazardous waste characterization tests including the D001 through D017 portions of the TCLP; and

2. They must be under the clean-up jurisdiction of the UST Program 40 CFR Part 280.

Media and debris that are not under the corrective action jurisdiction, or that fails the characteristics tests for anything other than D018 through D043 are not excluded from being a hazardous waste. They must be managed under all applicable rules of generation, notification, manifesting, transportation, reporting and treatment or disposal by a permitted TSD facility.

When UST wastes are handled on the site of generation, the UST rules apply exclusively. Debris that does not fail the test for hazardousness is still regulated by the Solid Waste Management, non-hazardous program and/or the UST program. See Department of Environment and Conservation memo of December 10, 1991, by Tom Tiesler and Chuck Head for details. For handling requirements for clean-up of non-UST releases, see Department Memo of August 26, 1992, from Tiesler.

Media (water) that fails the characterization tests, including D001 through D017 of the TCLP, must be managed as a hazardous waste, subject to all the Hazardous Waste Rules, and can only be treated by a permitted TSD facility; unless it is handled on the site of generation, or recovery, where off-site wells are being pumped to recover petroleum products that have migrated off-site, under a UST corrective action.

Some groundwaters are pumped from wells, treated and reinjected through a second well. These waters are excluded from regulation as a hazardous waste as long as the conditions of the following rule are met.

Rule 1200-1-11-.02(1)(d)2(viii), Reads: "Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in subparagaraph (3)(e) of this rule that is reinjected through an

underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transpiration spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993), only if operations are performed pursuant to a written state agreement issued under the Tennessee Water Quality Control Act (T.C.A. 68-3-101 et. seq.) that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed."

EPA released an explanation of the TCLP applicability to UST and aboveground petroleum product tanks, October 12, 1990. This document offers some interesting guidance. In regard to USTs it reads: "Contaminated unused products pumped from USTs, from which product can be recovered, is not a solid waste. Therefore, this material cannot be hazardous waste subject to the TC Rule. However, TC toxic wastewater and other residues generated by this recovery are subject to the TC Rule."

The next paragraph of this document reads: "TC toxic residual materials that have not been pumped from USTs are subject to the TC Rule."

Still another reads: "TC toxic wastewaters from aboveground petroleum storage tanks is subject to the TC Final Rule and must be managed as a hazardous waste."

In Tennessee, anyone treating hazardous wastewaters not generated on-site by the treater will be required to have Interim Status or a full RCRA TSD facility permit. Recyclers of contaminated product not excluded under the TCLP will have to register with the Division of Solid Waste Management as a Recycler, obtain an EPA I.D. Number, notify on all hazardous waste streams generated by the recycling process, file Annual Reports, pay generator fees, and manage the hazardous wastes they generate in compliance with the appropriate rules.

This regulatory interpretation will supersede all previous interpretations on this subject, unless they are referenced in this interpretation.

POLICY/notebook/22

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

OFFICE CORRESPONDENCE

DATE: February 14, 1997

TO: Division of Field Office Managers

FROM: Tom Tiesler, Director, Division of Solid Waste Management

RE: Policy Statement for Petroleum Contaminated Sites
(Supersedes Policy #23 dated May 30, 1996)

This memorandum is a statement of policy for petroleum contaminated sites from sources other than underground storage tanks regulated under the authority of the Tennessee Petroleum Underground Storage Tank Act, T.C.A. 68-215-101 et seq. This policy statement addresses two main areas of concern: (1) regulatory placement of petroleum contaminated sites and (2) clean-up criteria for petroleum contaminated sites. The State Remediation Section (SRS) will provide any specific guidance for these sites.

1. Procedures for Management of Petroleum Contaminated Sites

When a Field Office encounters a petroleum contaminated site that has the potential for deep soil and/or groundwater contamination, they should submit the information to the SRS. Sites with potential for deep soil and/or groundwater contamination are normally from long term or ongoing release sources. However, each site will have its own unique characteristics and in some cases further assessment may be needed in order for the Field Office to make a categorical determination. Sites submitted to the SRS will be put into the tracking system and issued one of the aforementioned regulatory mechanisms. Sites that do not require remediation orders or remediation letters are recent spills or releases that have not had time to migrate.

In order to promote consistency within our Division, the State Remediation Section has been assigned overall responsibility for petroleum contaminated sites not covered by the UST Act. The SRS has developed two categories for these petroleum contaminated sites. First, if any hazardous constituents are present (normally these will be from gasoline or waste oils), the site may be issued a Notice of Remediation or Remediation Order citing hazardous waste regulations. Second, if no hazardous constituents are present (normally this will be diesel fuels and hydraulic oils), the site will be issued a Remedial Action Notice citing solid waste regulations for the investigation and, if necessary, remediation of the site.

2. Clean-up Criteria for Petroleum Contaminated Sites

An amendment to T.C.A. 68-215-127 was signed into law May 3, 1996. This amendment was intended to provide a consistent and uniform approach to the establishment of clean-up standards for petroleum releases. Therefore, the Division's clean-up criteria will follow the promulgated levels in the Rules of the Division of Underground Storage Tank Program 1200-1-15-.06 7(e), parts 1 and 2, which are listed in Appendices 4 and 5. The pertinent information paraphrased from parts 1. and 2. and Appendices 4 and 5 is given below.

1. Ground water contaminated by petroleum must meet the levels as listed in Appendix 4 for drinking water supplies and non-drinking water supplies. It must be determined if the

contaminated ground water met the definition of a “drinking water supply” before the contamination occurred. Site clean up levels will be based on the category of ground water.

2. The level of soil cleanup shall follow Appendix 5. Soil cleanup levels shall vary depending upon the permeability of the soil and whether the ground water below the site is a “drinking water supply” or “non-drinking water supply”.

GROUNDWATER CLEANUP LEVELS FOR PETROLEUM CONTAMINATED SITES

PARAMETER	WATER CLASSIFICATION	CONCENTRATION LIMIT
BENZENE	DRINKING WATER	.005 PPM
	NON-DRINKING WATER	.070 PPM
TPH	DRINKING WATER	.100 PPM
	NON DRINKING WATER	1.00 PPM

SOIL CLEAN-UP LEVELS FOR PETROLEUM CONTAMINATED SITES

PARAMETER	WATER CLASSIFICATION	SOIL PERMEABILITY		
		$>10^{-4}$ CM/SEC	10^{-4} TO 10^{-6} CM/SEC	$<10^{-6}$ CM/SEC
BENZENE	DRINKING WATER	5 PPM	25 PPM	50 PPM
	NON DRINKING WATER	25 PPM	50 PPM	100 PPM
TPH	DRINKING WATER	100 PPM	250 PPM	500 PPM
	NON DRINKING WATER	250 PPM	500 PPM	1000 PPM

It is the policy of the Division to achieve these remediation levels whenever possible. However, the Division recognizes that attaining these levels may not be practical in all situations. In these cases, the facility must attempt to remediate the site, then provide sufficient information to the Division that these remediation levels are unobtainable. The Division may then request a risk assessment. The risk assessment will be reviewed for the following subject matter:

(1) Environmental impact of the contaminants to be left in place;

(2) Technical feasibility of the contaminants to be removed or reduced; and

(3) Economic feasibility of further reduction or removal of the contaminants.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 16, 1996

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Petroleum Contaminated Soils at Permit by Rule Facilities (Superseding the May 12, 1992 memo on the same subject)

To ensure the uniform handling of the petroleum contaminated soils, the following procedures will be followed:

1. A special waste approval is not required on soils from a UST project that is authorized in the processing facility permit. Acceptable waste streams should be described in this facility notification package and finally approved by the DSWM when satisfactory. Documentation of the source of contaminated soils is required.

2. Treated UST soils may be evaluated for the regulatory exemption for use as fill material as provided at Rule 1200-1-7-.02(1)(b)2(xiv).

3. Other contaminated soils must be specifically authorized in the permit or may be evaluated as a special waste. Contaminated soils from outside Tennessee must be evaluated as a special waste.

4. Pretreatment samples are required to characterize the waste.

5. After treatment, the soils may be considered for landfill disposal or, as appropriate, it may be evaluated for the exemption at Rule 1200-1-7-.02(1)(b)2(xiv).

POLICY/notebook/24

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 13, 1996

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Policy for Special Waste Approval of PCB Contaminated Soil
(Superseding the 11-29-93 policy)

The purpose of this policy is to establish criteria for disposal of PCB contaminated soil and debris into Class I landfills.

The following is a guideline for the level of PCB cleanup in soil. These numbers are from the Division's State Remediation Section guidance document to establish no further action levels.

Land Use	PCB Action Levels (PPM)	
	(without cover)	(with 1 ft of cover)
Residential	1	10
Industrial	10	25

PCB contaminated soil with greater than 50 ppm has to be managed in accordance with the Toxic Substance Control Act (TOSCA) regulations.

In consideration of the above, the Division of Solid Waste Management will consider the disposal of PCB contaminated soil in a Class I sanitary landfill with a composite liner system, if the level of PCBs are less than 50 ppm.

In evaluating a special waste request for PCB contaminated material the Field Office should insure that appropriate waste handling and disposal techniques are incorporated into the special waste approval. For example, contaminated soil should have a high enough moisture content not to generate dust during handling and should be covered immediately to minimize the potential for surface water contamination via runoff.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

OFFICE CORRESPONDENCE

DATE: January 15, 2001

TO: Field Office Managers

FROM: Mike Apple, Director, Division of Solid Waste Management

RE: Special Waste Approval for Disposal of Petroleum Contaminated Soil and Debris in Subtitle D Landfills **(Superseding Policy #26, February 14, 1997)**

The purpose of this memorandum is to establish the criteria which must be met in order for soil or debris which has been contaminated with petroleum products (e.g. gasoline, diesel, kerosene, fuel oils) to be approved for disposal only in a Subtitle D Landfill in Tennessee. Such contaminated soil or debris is considered a "special waste" under Tennessee Rule Chapter 1200-1-7, Solid Waste Processing and Disposal, and may not be disposed in a landfill in Tennessee unless approved by this Division in writing pursuant to Rule 1200-1-7-.01(4).

CRITERIA FOR DISPOSAL OF PETROLEUM CONTAMINATED SOIL AND DEBRIS IN A SUBTITLE D LANDFILL

All petroleum contaminated soil and debris which is to be disposed in a Subtitle D landfill is required to have Special Waste Approval from the Division. To apply for Special Waste Approval, a Waste Evaluation Application must be submitted to the Division together with a fee of $250.00. (Applicable analytical data requested in the Application must also be submitted.) All petroleum contaminated soil and debris must be sampled and subjected to analysis for the hazardous constituents of benzene and lead, and if the presence of benzene or lead is detected, a TCLP analysis must be performed with the results not to exceed the maximum concentration limits (mcls) as set forth in 40 CFR 261.24, incorporated by reference at subparagraph (3)(a) of Tennessee Rule Chapter 1200-1-11.02 (see chart below for TCLP mcls). **Soils contaminated solely from vehicle accidents in which only diesel fuel is involved shall not be required to be analyzed, however, a Special Waste Approval is still required.** If Benzene and lead are not detected in the samples, a TCLP analysis of the samples is not required. **Since TPH alone (diesel, kerosene and fuel oils) is not a regulated hazardous waste, the Division no longer requires that petroleum contaminated soil and debris be analyzed for TPH contamination and there is no TPH concentration limit for disposal in a Subtitle D landfill**. **The general prohibition of "no free liquids" is applicable. However, soil and debris that is contaminated solely by TPH is still required to be analyzed for the presence of benzene and lead.**

CONTAMINANT	TEST METHOD	MCL (PPM)
BENZENE	TCLP	0.5
LEAD	TCLP	5.0

For soil and debris that cannot be verified to be exclusively contaminated with petroleum hydrocarbons it may be appropriate to analyze the TCLP extract for additional toxic constituents or the waste itself for one or more hazardous waste characteristics (e.g., reactivity). In some situations, it may also be appropriate to test the soil or debris for PCB concentrations. Soil and debris containing concentrations above the listed 40 CFR 261.24 maximum concentration limits from TCLP analysis are not eligible for disposal in a sanitary landfill. The Division may also require that confirmatory sampling be performed in the area from which the petroleum contaminated soils were removed. A description of acceptable analytical methods for the most common petroleum contaminants is as follows:

Analytical Methods

A. TCLP Test - The Toxicity Characteristic Leaching Procedure to be performed is that established for hazardous waste in 40 CFR, Part 261, Appendix II.

1. Benzene - benzene concentrations in the TCLP extract are to be determined using:

   a. EPA Methods 8020 or 8240 from EPA Publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (Third Edition); or,

   b. an equivalent test method deemed acceptable by DSWM staff.

2. Lead - Lead concentrations in the TCLP extract are to be determined using:

   a. EPA Methods 6010, 7420 or 7421 from EPA Publications SW-846; or,

   b. an equivalent test method deemed acceptable by DSWM staff.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 4, 1996

TO: DSWM Staff

FROM: Doye Rowland, Division of Solid Waste Management

SUBJECT: Beneficial Use of a Solid Waste (Guidance)

Beneficial Use of Solid Waste

(a) This guidance will establish a procedure for determination of beneficial use of solid waste. A beneficial use determination by the DSWM will be a concurrence that such approved use or reuse of solid waste will not be construed by the DSWM to be a use which constitutes disposal when conducted in the manner approved by the Department. This guidance does not require a solid waste beneficial use determination. It establishes a procedure for persons desiring such determinations.

(b) A petition for beneficial use determination may be submitted to the DSWM. The DSWM may determine in writing whether the proposal constitutes a beneficial use of the solid waste. Such petitions should include:

1 . Identification, name, address and phone number of the Solid Waste generator;

2. An adequate characterization of the subject waste stream. The characterization must include the quantity of solid waste generated, concentrations of all potential contaminates, and a flow chart which describes the process that generates the waste;

3. A well defined beneficial use project proposal described in adequate detail;

4. Locations and property owners that are involved in the beneficial use project;

5. A record keeping and reporting system which will account for actual solid waste quantities used in the project;

6. A description of how the waste will be handled and stored prior to beneficial use and any run-on/runoff control measures for surface waters;

7. A description of how release of solid waste into the environment will be prevented;

8. A schedule proposing the project initiation, major steps and completion; and

9. Other information requested by the DSWM to evaluate the petition.

(c) Solid wastes stored for beneficial reuse are subject to provisions at Rule 1200-1-7-.02(1)(b)2(xvi) which provides a conditional exemption from permitting for such storage prior to its reuse.

POLICY/notebook/28

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Remediation Guidance Levels

POLICY

Since May of 2000, the Division has been utilizing the EPA Region 9 Preliminary Remediation Goal's (PRG's) to establish no further action levels for remediation sites. When contaminants are encountered that are not in the listing, the State Remediation Program should be contacted and they will work with EPA's Toxicology Section to establish the appropriate level.

By using the PRG's, the Division establishes a level that is protective of both health and environment for the material left in place. Those levels are extremely conservative, and therefore, may be utilized without further risk assessments being performed. However, in some situations, these levels will not be obtainable and a risk assessment would be appropriate. The utilization of this criteria requires a determination that groundwater has not and cannot be adversely affected by the material left in place.

Based on the PRG Guidance, the following is a brief summary of the steps involved in determining the appropriate level that may be left in place at a site with no adverse health or environmental impact. (The levels for the parameter of concern must be verified by the consultant with the State Remediation Program prior to the completion of the site remediation.)

The State Remediation Program does not utilize action levels to determine if additional assessment/remediation is warranted at contaminated sites. Once it is established that a disposal has occurred (either intentional or unintentional), the initial investigation must determine both horizontal and vertical extents of migration of the contaminants in all affected media (including groundwater) to either background or non-detect, not to an action level. This does not include spill situations that are addressed immediately. Once the extent of migration is established, a determination can be made as to what portion of the site warrants remediation. Remediation of soil is determined by two steps: One, the total level of the parameter of concern must be less than the level established in the Risk-Based Document for Ingestion; and secondly, the highest level left in place must not be capable of adversely affecting groundwater at the site.

For example, if the risk-based level for lead in soil is 400 parts per million (this means that no adverse effects would occur if this material was ingested over a period of years) and the site verified that the highest level left in place is 100 ppm, the site has met the first criteria for remediation. However, the second step is for a leaching procedure to be run on this sample. If the leachate from this sample is below the MCL (Maximum Concentration Limit) for groundwater, then it proves that even under the worse case scenario (drinking the leachate or eating the soil) no adverse health effects would arise. However, if the leachate was above the MCL, we would require that either the soil be removed or treated to a lower contaminant level, or that a study be completed to show that the conditions at the site would not allow the groundwater to be adversely affected (attenuation, dilution, depth to groundwater, etc.).

Of course, every site is different and there are other factors that must be considered, but as a general rule, this approach can be used to investigate and remediate a site.

The EPA Region 9 PRG's can be accessed at the following address:

www.epa.gov/region09/waste/sfund/prg/

_Signature on File_____ __7/1/2004_____
Mike Apple, Director Date
Division of Solid Waste Management

policy/notebook/pn030
Revision 4: July 2004

policy/notebook/pn30

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

OFFICE CORRESPONDENCE

DATE: November 29, 1994

TO: County Executives

FROM: Paul Evan Davis, Director, Division of Solid Waste Assistance

SUBJECT: Waste Tire Collection and other Problem Waste Collection Sites

CC: Municipal Solid Waste Planning Board Chairpersons and Solid Waste Directors

Tennessee Code Annotated, Section 68-211-866(b) requires that each county provide a site to receive and store waste tires, used automotive oils and fluids, and lead acid batteries, if adequate sites are not otherwise available in the County for the use of the residents of the County. Furthermore, Tennessee code annotated, Section 68-211-867(a) bans the acceptance of whole, unshredded tires for disposal after December 31, 1994.

There are several counties in Tennessee that have not provided for collecting waste tires. The January 1, 1995, ban on the landfilling of whole tires makes this an urgent matter.

The Division would like to point out that counties can comply with the waste tire requirement in several ways. The choices are:

1. Establish a waste tire collection site at a permitted Class I, II, or IV landfill facility. This site must comply with Rule 1200-1-7-.04(2)(k)3 covering the management of waste tires. A copy of the relevant part of this rule is attached for your information. (Note that after December 31, 1994, item (I) of the referenced rule is no longer valid. Whole waste tires may not be intentionally disposed of under any circumstances.)

2. Establish a permit by rule storage site at another location for waste tire collection. This site must also comply with the management provisions of Rule 1200-1-7-.04(2)(k)3. (Note that after December 31, 1994, item (I) of the referenced rule is no longer valid. Whole waste tires may not be intentionally disposed of under any circumstances.)

3. Establish a transfer station for the collection of waste tires only. This will enable you to place a hard-wall enclosed trailer that may be supplied by a private firm under contract to collect and remove the waste tires. Such a transfer station does not require a permit <u>provided</u> that:

a) waste tires are only received from municipal or private collection vehicles <u>and</u> placed in another transportation unit, and

b) there is no solid waste processing. If any processing such as compacting, baling, shredding or separation takes place, a processing permit will be required.

4. Demonstrate to the division that adequate waste tire collection sites are available in the county for use by residents. Such a demonstration would require the submission of an assurance contract similar to the enclosed sample.

Please contact your local Division of Solid Waste Management Field Office for information regarding the rules and regulations governing the above choices.

There may be facilities currently available in your county that can accept some or all of the other problem wastes listed in the statute. Tennessee Code Annotated, Section 68-211-608(b)(1) requires retailers who sell lead-acid batteries accept used-lead acid batteries as trade-in batteries. If requested, some of these retailers may not require the purchase of a new lead-acid battery before they will accept used lead-acid batteries from the public. Regarding used oil and other automotive fluids, there may also be retailers in your county that may accept these fluids from county residents. The Division of Solid Waste Assistance has a database which contains the names of many private firms that will accept these materials. Locations have been identified in ninety of Tennessee's ninety-five counties, and new locations are being added daily. Contact our office at 615-532-0091 to obtain this information. However, if none are currently available and the county has not applied for a used oil collection grant, your assistance may be required to assist us with contacting interested parties that may be willing to help concerning this matter.

In conclusion, the Division of Solid Waste Assistance continues to offer any assistance possible concerning this matter. Waste tire and used oil collection grants remain available to counties to assist with the development of these facilities. Please contact our office at 615-532-0091 to receive more information concerning this and other assistance that we may be able to provide.

POLICY/notebook/31

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

REGULATORY INTERPRETATIVE MEMORANDUM HW-95-1

THIS MEMORANDUM SUPERSEDES MEMORANDUM HW-91-1

DATE: October 30, 1995

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Used Oil Filter Recycling and Disposal

Numerous questions have arisen concerning the disposal of used oil filters now that Tennessee has adopted the Toxicity Characteristics regulations. Outlined below are the options which generators may exercise in disposing of their used oil filters in Tennessee.

OPTION 1. RECYCLE THE OIL AND THE METAL FROM THE FILTERS

Used oil filters are exempted from regulation as a hazardous waste if both the metal from the filters and the used oil from the filters are recycled. To qualify for the scrap metal recycling exemption, free flowing oil must be removed from the filters through draining and crushing or disassembly of the filter prior to shipping to a metal recycler. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing, and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location. If the filter is disassembled, the remaining material is being granted a statewide special waste approval if the filter element is mechanically compressed to remove all free flowing oil and the oil is collected for recycling. The generator then certifies that the filter element and gaskets are nonhazardous and all free flowing oil has been removed. This certification is being accepted without TCLP testing based on published studies that have indicated that filters processed in this manner consistently pass the TCLP test.

OPTION 2. DRAIN AND CRUSH THE FILTERS, RECYCLE THE OIL AND DISPOSE OF THE FILTERS AS A SPECIAL WASTE IN ANY CLASS I LANDFILL

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been properly drained and crushed, eliminating all free flowing oil. This certification is being accepted without TCLP testing based on published studies that have found that filters processed in this manner consistently pass the TCLP test. The crushing removes approximately 88% of the oil from the filter, with only about one ounce of oil remaining in the fiber filter element. This eliminates the leakage of oil from the fiber after it has been placed in a landfill. If the filter is properly drained and crushed, then it may be disposed of in any class I Landfill (with or without a

synthetic liner) that is permitted in Tennessee. The oil removed during draining and crushing must be collected and properly recycled. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location.

OPTION 3. PUNCTURE AND HOT DRAIN OR COLD DRAIN & DISPOSE OF AS SPECIAL WASTE IN A SUBTITLE D LANDFILL (SYNTHETIC LINER)

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been punctured and hot drained for a minimum of twelve (12) hours, or cold drained for twenty-four (24) hours. This certification is being accepted without TCLP testing based on published studies that have found that filters processed in this manner consistently pass the TCLP test. Hot draining is defined as when the filter and oil are removed/drained at engine operating temperature. Cold draining is defined as when the draining begins at a temperature when the oil and filter are at less than engine operating temperature. At least one hole must be punctured in the dome end of the filter and the dome end pointed downward while being drained. Filters should be double bagged in 3mm (garbage) plastic bags and tied at the loose end prior to disposal. The oil removed during draining, must be collected and properly recycled. Under the used oil recycling exemption, the physical processing of the filters (puncturing and draining and/or transporting) is not subject to regulation under the hazardous waste regulations. This option does not require that the filters be crushed as long as they are properly drained and disposed of in a permitted Class I Landfill with a full Subtitle D Synthetic Liner and Leachate Collection System. Terne plated filters are not exempt under this approval and continue to be treated as a hazardous waste.

OPTION 4. DISPOSE OF THE FILTERS AS A HAZARDOUS WASTE

If a generator chooses not to recycle, crush, or puncture and hot or cold drain, then the filters are handled as a hazardous waste. Special waste approval will not be granted for filters that are not punctured and drained or drained and crushed. Any oil that drains from the filters must be disposed of as a hazardous waste if it is not recycled.

Should anyone wish to discuss this issue further, please contact Jewell W. Darden at (615) 532-0871 (state network 840-3424). Thanks for your cooperation in this matter.

POLICY/notebook/33

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 7, 1995

TO: DSWM Staff

FROM: Doye Rowland, Program Development

SUBJECT: Disposal of “Solid Rubber” wheels as Special Waste

The attached letters address the difficulty of landfill disposal of “solid rubber” wheels. This example should be used as guidance to evaluate such solid rubber wheels as special waste when in bulk quantity. Solid wheels that may fit this category could include:

* tow motor wheels
* lawn mower wheels
* other industrial equipment wheels

Note that these and other solid rubber wheels are not typically able to be shredded. Further it is not necessary to shred them to effectively prevent floating in the landfill.

POLICY/notebook/34

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Fluorescent Light Recyclers
POLICY

For the benefit of generators we have provided the names of Tennessee companies that recycle fluorescent lights. The list is not composed of companies from whom we have received promotional information, or a request to be added to the list. The State of Tennessee does not certify or endorse any company.

Pollution Control Industries 5485 Tay-For Drive Millington, TN 38053 Telephone: (901) 353-5291 Fax: (901) 353-9471	Southeast Recycling Technologies, Inc. West Oakland Industrial Park 906 Chase Drive Johnson City, TN 37604 Telephone: (423) 282-2022 Fax: (423) 282-5151

The State of Ohio Environmental Protection Agency has compiled a list that contains recyclers outside of Tennessee at the following web address:

http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf

policy/notebook/pn039
Revision 2: October 2004

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 1, 1994

TO: DSWM Staff

FROM: Glen Pugh, Division of Solid Waste Management

SUBJECT: Grease Trap Waste

I attended a meeting on August 31, 1994 with the following Department of Environment and Conservation personnel:

Kent Taylor	Groundwater Protection
Roger LeMaster	Water Pollution
Jim Haynes	Bureau
Ken Bunting	Bureau

A summary of our discussion follows:

Due to recent EPA regulatory changes (Section 503 of the Clean Water Act), grease trap wastes may no longer be co-disposed with septage.

In an effort to provide generators (primarily restaurants) with consistent information on disposal options, the Department has designated the Division of Ground Water Protection as the lead agency for responding to questions.

In addition, the following hierarchy of management options was established:

1. Recycling (e.g. Griffin Industries) or Processing (e.g. GreenTree Processing, Laidlaw)

2. Disposal at Wastewater Treatment Facility

3. Disposal at Class I landfill (Special Waste Approval)

4. On-Site Treatment (Enzymes and Superbugs)

You are being provided this information to prepare for possible requests for Special Waste Approval. The grease trap waste would of course have to be dewatered. Special handling procedures would likely be necessary.

If anyone has experience dealing with a similar waste stream, give me a call as it may become necessary to develop Special Waste Approval guidelines.

POLICY/notebook/40

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: June 1, 1995

TO: DSWM Staff

FROM: Tom Tiesler, Director Division of Solid Waste Management

SUBJECT: Friable Asbestos Waste Disposal (Superseding the September 5, 1990 memo) (See MOA dated February 9, 1993 SWM - APC)

I am issuing this policy to promote a consistent application of regulations and policy dealing with asbestos disposal. For a few years we have been issuing a blanket certification letter of approval for asbestos disposal at certain landfills which qualify. This blanket certification is possible because the asbestos waste characteristics vary very little although disposal occurs very frequently. The blanket approval reduces paperwork and reduces staff time involved, and I want to continue that procedure.

Since the NESHAP manifest is required anyway, I want to state that the NESHAP manifest or an equivalent manifest is an adequate shipping and receiving record. The DSWM shipping and receiving logs and the 10 day notice forms with shipments are no longer necessary.

Your special waste approval letter for "blanket approval" must incorporate at least the following requirements:

1. The landfill must have a policy which requires the generator to provide them with advance notice of each shipment. The mechanism for this notice should be left up to the landfill and the generator.
2. Each shipment must be accompanied by the NESHAP manifest or an equivalent manifest. The manifest records must be available to DSWM staff for inspection. These manifests will be accepted by the DSWM in lieu of other shipping and receiving records.

3. All eleven <u>Procedures for Disposal of Asbestos Waste</u>, from the 1993 memorandum of agreement with APC must be incorporated directly. A copy of this agreement is attached for your use.

4. Any special provisions for asbestos disposal which have been developed or deemed necessary for that specific landfill site.

POLICY/notebook/43

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Concrete Washout Waste Disposal

POLICY

The Division of Solid Waste Management will not regulate storm water ponds or concrete washout sites operated by ready-mix concrete plants in Tennessee. However, settled solids, once removed from the pond or basin would be considered a solid waste. Several management options exist for this type of waste depending on its characteristics.

Unless contamination is present (e.g. petroleum products) the material, once dry, could be disposed of in a demolition landfill (Class IV facility) or used as fill material.

__[Signature on File]_____ _[09/07/2001]_____
Mike Apple, Director Date
Division of Solid Waste Management

policy/notebook/pn045
Revision 1: September 2001

December 12, 1994

Mr. James E. Fleming
Environmental Compliance Monitor
7110 Old Millington Road
PO Box 1207
Millington, Tennessee 38053

Dear Mr. Fleming:

This letter is written in response to your letter of October 27, 1994, regarding the Solid Waste Management Act of 1991 and specifically the following request for clarification:

1. What does unshredded mean?

   a) Rule 1200-1-7-.01, page .01-11, defines "Shredding" as a "process of reducing the particle size of solid waste through the use of grinding, shredding, milling or rasping machines."

   b) Rule 1200-1-7-.04(k)3.(II), page .04-6 also adds to the definition of "Shredding"-

      (II) Shredded, chipped or circumferentially sliced tires may be disposed of in the same manner as other waste;

2. If whole unshredded tires are transported to the landfill in compactor vehicles, roll offs, or etc. and are not detected at the check point (closed containers), but are detected by the operator at the working face, then will the landfill operator have to remove, i.e. segregate the tires and place the tires in temporary storage?

   a) The removal or segregation of individual whole tires from the working face should only be attempted when it doesn't cause or create undue risk to the employees that are removing or segregating individual tires at the working face.

3. If the tires are removed and placed in temporary storage, can the tires be placed in an open top container, i.e., 30-40 cubic yard roll off for storage instead of a Permit-By-Rule Tire Storage facility?

   a) Individual whole waste tires that are removed from the disposal facility's working face can be placed in a hard wall enclosed trailer for collection and removal, to an authorized facility for handling.

If you have any questions, please call me at (615) 532-0780.

Sincerely,

W. Frank Victory
POLICY/notebook/48

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT
5th Floor L & C Tower, 401 Church Street
Nashville, Tennessee 37243-1535
615-532-0780

APPLICATION FOR THE TRANSFER OF REGISTRATION OF A SOLID WASTE DISPOSAL OR PROCESSING OPERATION

1. Type Notification Change of Ownership _____ Stock Transfer _____ Other _____
If other, explain _____

2.a. Current Legal Name of Facility _____ Permit Number _____
b. Will facility name change as a result of this transfer? Yes____ No ____ If yes, give new name
_____

3.a. Current Permittee (Person/Legal Entity On Permit)
Name _____
Street/PO Box _____
_____
City/State/Zip _____
Telephone ( ) _____
Responsible Official/Title _____

b. Will Permittee Change As A Result Of This Transfer? If Yes, Provide
Name _____
Street/PO Box _____
_____
City/State/Zip _____
Telephone ( ) _____
Responsible Official/Title

4.a. Current Facility Operator (If different from permittee)
Name _____
Street/PO Box _____
_____
City/State/Zip _____
Telephone ( ) _____
Site Contact Person _____
Site Contact Person Title

b. Will Facility Operator Change As A Result Of This Transfer? If Yes, Provide
Name _____
Street/PO Box _____
_____
City/State/Zip _____
Telephone ( ) _____
Site Contact Person _____

5. Has current owner/operator supplied copies of (Check Answer)

a. Construction & Operational Plans	Yes _____	No _____
b. Operational Manual	Yes _____	No _____
c. Current Permit Conditions	Yes _____	No _____
d. Closure/Post Closure Plan	Yes _____	No _____
e. Amount of Financial Assurance Indicated	Yes _____	No _____

6.a Name of Applicant (Individual, Corporation, Government Agency, etc., making application)
_____
b. Responsible Official within above organization who has *ultimate authority* for control of holdings
Name and Title _____ Telephone _____
Street/PO Box _____ City/State/Zip _____
c. Attach Disclosure Statement for Applicant, if application is for a fully permitted facility (not required for permits-by-rule)

I hereby certify by my signature, that I have the ability to bind the proposed operator (company, city, county, etc.) and I have in my possession and agree to adopt the currently approved construction and operational plans, operational manual and permit conditions as my own and will abide by them until such time as changes are submitted to the Commissioner of the Department of Environment and Conservation or the Solid Waste Disposal Control Board, as appropriate, and are approved in writing by the Commissioner or Board.

Applicant Signature _____ Date _____

Applicant Name (Print) _____

Official Title _____

 (continued on reverse)

Instructions For Transfer of Registration

1. Type of Registration – Check the appropriate change in registration. Change of ownership is defined in rule 1200-1-7-.02(5)(a)2. If stock transfer, indicate % transferred. If other, explain.

2. a. Give the legal name of the facility and permit number prior to the transfer of ownership.
   b. Indicate if the facility will undergo a name change as a result of this transfer. If the name is changed, indicate the new name of the facility. (Note: The permit number will not change.)

3. a. Give the current permittee's name, address, and telephone number. Also provide the name of the responsible official and their title. The current permittee is the name of the person or legal entity actively registered with the Tennessee Secretary of State and to whom the permit is currently issued. The responsible official is the name of the person within the permittee's organization who is authorized to sign binding documents on behalf of the permittee. (Example: County Mayor, President of a corporation, sole owner of a facility, etc.)
   b. Give the new permittee's name, address and telephone number. Also provide the name of the responsible official and their title. This is the owner or legal entity to whom the permit will be issued. If the permittee is a corporation, etc., it must be a legal entity actively registered with the Tennessee Secretary of State. Also provide the name and tile title of the responsible official within the permittee's organization.

4. a. Often, a site operator is contracted by a permittee to operate the facility.Give the current facility operator's name, address, and telephone number if different from the permittee. Also provide the name and title of the current site contact person. The site contact person should be a person responsible for day to day operational activity and who can be contacted at the facility.
   b. If the site operator will change, give the new facility operator's name, address, and telephone number. Also provide the name and title of the new site contact person.

5. Indicate if the current owner/operator supplied copies of the construction & operational plans, operation manual, current permit conditions, closure and post closure plans, and the amount of financial assurance indicated.

6. a. Give the name of the individual as sole owner, legal entity such as a corporation, or the government agency making this application. This may or may not be an entity different from the permittee. (Example: Parent corporation ABC owns subsidiary XYZ, where ABC makes application, but XYZ is the permit holder.)
   b. Give the name, address, and telephone number of the responsible official within the above applicant's organization who has ultimate authority for control of holdings. All applications for transfer of registration must have the signature, printed name, and official title of the person designated by the applicant as responsible official.
   c. Attach a disclosure statement for the applicant, if application is for a fully permitted facility. A disclosure statement is not required for a permit-by-rule facility.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 13, 1996 (revised from August 20, 1986 memo)

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Schedule for Solid Waste Permit Review Committee Meetings and Presentation Policy

In the future the Solid Waste Permit Review Committee will meet the first Thursday of each month.

All permits to be considered must be received in this office no later than two weeks prior to the committee meeting. An agenda of permits to be considered and the approximate time they will be heard will be sent to all Field Office Managers for their information prior to the meeting.

Please bring, do not mail, the materials that make up a complete package which shall consist of the following:

1. Hydrogeological Report
2. Engineering Plans
3. Operations Manual
4. Closure/Post Closure Plan - Cost estimate for closure
5. Completeness Determination Letter
6. Field Office Review Time (days)
7. Two copies of the Application to be brought to the Permit Review

The originals for the draft permit, fact sheet and application for permit must be submitted. The original for the draft permit should be on plain bond paper, not letterhead, and should <u>not</u> have “draft” stamped on it. It will become the final permit when signed. The attached permit form is to be the format used on all draft permits.

The fact sheet should briefly set forth the principal facts and the significatnt factual, legal, methodological and policy questions considered in preparing the draft permit to include, when applicable:

1. Type of facility or activity which is the subject of the draft permit;
2. Type and quantity of wastes to be disposed of;
3. Summary of the basis for the draft permit conditions, including references to the statutory and regulatory provisions;
4. Reasons why waivers or alternatives are/are not justified;
5. Name and telephone number of a person to contact for additional information.

It shall be the duty of the Field Office to prepare the fact sheet, and draft permit in final form, and to ensure that a complete package is submitted. If additional information is needed, modification to plans, manuals, fact sheets, etc., it shall be the responsibility of the Field Office to make or have made those changes.

Incomplete submissions, revised plans, manuals, applications, draft permits will require the Field Office to re-present at the next month's committee meeting.

Field Offices may request specific times to present applications to the Committee on a first come basis. The earlier a package is received, the better the chance for getting the desired time.

POLICY/notebook/pn064

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 19, 2001

TO: DSWM Staff

FROM: Glen Pugh

SUBJECT: Tracking of Permit Review Timeframes

In order to verify that our Division is meeting timetables for issuing permits to solid waste landfills, we need your help.

As part of the permit package you now bring to permit review committee, you need to include a summary of the elapsed review time. An example follows:

Project Name ABC Landfill

Completeness Letter Sent to Applicant – First N.O.D.	01/01/01 - 01-31-01	30 Days
Revised Application Submitted – Second N.O.D.	02/15/01 - 03/01/01	14 Days
Revised Application Submitted – Date of Permit Review Committee	03/16/01 - 04/02/01	17 Days
Total Review Time		61 Days

The Central Office permitting section will be tracking elapsed time from the date of the Permit Review Committee forward.

As a reminder, there are also separate timeframes for a completeness determination of the hydrogeological report and the design and construction plans, to wit:

Hydrogeologic Report	30 days
Design and Construction Plans	45 days

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 16, 1996

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Assignment of Duties for Solid Waste Permitting

When a Part I landfill application is sent from a Field Office to the Central Office, it is the responsibility of Permit Administration to publish a preliminary public notice in appropriate newspapers.

When a Part II is complete and a decision made to permit or deny a permit to the applicant, Permit Administration will publish a second notice known as a "tentative decision" notice, in the same newspapers that published the preliminary notice. A copy of the DRAFT permit is sent to the appropriate people and places for public viewing. A copy of the DRAFT permit and Fact Sheet are sent to the public library nearest the proposed landfill site.

It is the responsibility of the Field Office to take the appropriate manuals and drawings to the same library.

POLICY/notebook/66

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 23, 1998

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Peer Review Process for All Landfill Applications

Effective immediately, the Division of Solid Waste Management is initiating a Peer Review Procedure for all landfill applications. The objective of this policy is to provide for consistency in the Division's review process and to provide support and training for Field Office staff.

The following steps are to be completed before the Permit Review Committee meeting is held for a given application:

1. As soon as it is received, one copy of the Hydrogeologic Report will be forwarded to the Central Office (attn: Frank Victory).

2. The Field Office Manager will designate a Project Manager for the application.

3. As soon as it is received, one copy of the Plans and Operation Manual will be forwarded to the Central Office.

4. Any written comments (input) from the Central Office will come from the Chief of Permitting (Glen Pugh) to the Project Manager.

5. The Project Manager will be responsible for scheduling a Peer Review Meeting with the Chief of Permitting. They will determine which staff will attend.

Project Manager - The Project Manager is designated by the Field Office Manager, and may be any position within the given Field Office. This designation should be made at least by the time a Hydrogeologic Report is received by the field Office. When this Report is forwarded to the Central Office, the Project Manager's name may be attached.

A Project Manager's role is to coordinate the review process. This role includes meeting time deadlines, receiving input from other Divisions, completing the Peer Review Process, and scheduling a meeting with the Permit Review Committee.

Peer Review Meeting - This meeting will typically be held at the Field Office and will be conducted by the Project Manager. The purpose of this meeting is to discuss the comments or input that the Central Office staff has previously provided or have brought to the meeting. The Project Manager will decide how to incorporate this input into the review process.

The Central Office will notify all other Field Offices of the scheduled Peer Review meeting so that interested technical staff may attend. In addition, the Director may designate a particular Field Office person to attend a Peer Review meeting. I encourage everyone involved in this process to work towards a goal of accurate and timely permit application review.

POLICY/notebook/67

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: **[Current Date]**

TO: Division of Archaeology

FROM: **[Contact Person]** Permit Administration

SUBJECT: Notification of Solid Waste Disposal Facility Permit Part I Application

This memo and accompanying documents are to inform you that this office has received and is reviewing a proposal for the siting of a landfill to be located at **[give location]**. You may wish to review any records or files you may have which pertain to this location to determine if there are any archaeological areas of concern that might be impacted by this proposed facility. Please notify the applicant and this Division of the results of your review.

cc: **[Name]**, EAC DSWM Manager
Central Office File

POLICY/notebook/pn069
Revision 1: June 2001

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 20, 2001

TO: DSWM Staff

FROM: Mike Apple, Director

SUBJECT: Guidance for Landfill Records

The following is a compilation of requirements for record keeping at landfills.

Regulation/Policy	Subject Records
.01(4)(d)2	Special Waste Records – The operator shall keep records on the receipt and management of special waste approvals.
.02 (2)(a)4	Application, Plans, and Supporting Documents – The operator shall keep all records used to complete permit applications.
.02(4)(a)7	Records Location – All records must be kept at the facility or other locations approved by the Commissioner.
.02(4)(a)9(ii)	Monitoring and Records – All monitoring records must be kept for the life of the facility and the post-closure care period. Minimum and type of information is identified here in the regulations.
.04(2)(k)3(i)(II)VI	Tires – The Operator shall keep records to establish when each tire pile was begun (to assure less than one year).
.04(2)(s)	Random Inspections – Random inspection records must be maintained in a bound notebook, and include the information specified in the rule. It will be the policy of this Division to require that random inspection records by kept for a minimum of three (3) years. Facilities may, at their discretion, choose to keep those records for a longer time. A copy of the random inspection checklist is found at policy 73.
.04(5)(a)4	Gas Migration Monitoring Records – The operator must keep all gas monitoring records as required in the rule.
.04(7)(a)4(vii)	Ground Water Monitoring Records – The operator must keep records of all ground water sampling activities, the analysis results, ground water surface elevations, and any other ground water records required in the permit. The records must be kept at the facility or some other location within Tennessee approved in the permit.
.08(3)	The Records of Waste Received – The operator shall maintain written records of waste received in tons. The current month's records must be at the facility. The facility must designate to DSWM the location of site of older records.
Policy 43	Records for Asbestos – The NESHAP manifest or its equivalent shall be adequate in lieu of other shipping and receiving records.

policy/notebook/pn072

LANDFILL INCOMING WASTE
RANDOM INSPECTION CHECKLIST

Use checklist for all suspicious loads and for 5% of all incoming loads of solid waste brought into the facility for disposal. Random inspections and records are required by the Rules promulgated under the Solid Waste Management Act at Rule 1200-1-7-.04(2)(s)

Date _____ **Time** _____

Customer _____ **Vehicle**

_____ **License**

_____ **Plate #** _____

Type Waste:

- ☐ **Municipal / County**
- ☐ **Industrial**
- ☐ **Commercial**
- ☐ **Construction / Demo**

Are there any unauthorized wastes?

- ☐ **automobile batteries**
- ☐ **whole tires**
- ☐ **bulk liquid**
- ☐ **pcb's**
- ☐ **unauthorized special waste**
- ☐ **unauthorized hazardous waste (corrosive, ignitable, reactive, TCLP Toxic or listed hazardous waste)**
- ☐ **Other** _____

Waste accepted?

- ☐ **yes**
- ☐ **no**

Comments: _____

_____

_____

_____ _____

Inspector's Name (Print) **Driver's Name (Print)**

_____ _____

Inspector's Signature / Date **Driver's Signature / Date**

Notification of unauthorized waste:

- ☐ **TN Division of Solid Waste Management** _____ **Name / Date**
- ☐ **Waste Hauler** _____ **Name / Date**
- ☐ **Waste Generator** _____ **Name / Date**

POLICY/notebook/pn073

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 4, 1992

TO: DSWM Staff

FROM: Mike Apple, Assistant Director, Division of Solid Waste Management

SUBJECT: Inspection Frequency - Solid Waste Facilities

At the August 20, 1992, staff meeting inspection frequencies were discussed relative to staff priorities. The following is a summary of the discussion:

Class I Landfills	1 per month
Class II, III & IV Landfills	1 per quarter
Processing Facilities	1 per quarter
Tire Storage	1 per quarter
Frequent Violator	F/0 manager discretion
Post Closure Inspection (Schedule should consider wet season and time for vegetation if necessary.)	2 per year

Also, in this discussion was the status of permit-by-rule facilities. Further permits will not be valid until equipment is on site as per the permit application. This may require an on-site review in order to validate the permit with DSWM with notice to the central office.

POLICY/notebook/74

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: August 19,1996

TO: Field Offices/Solid Waste Management Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Construction Inspection at Solid Waste Landfills

Objective: To ensure proper construction practices and construction quality assurance procedures are followed at permitted landfills in Tennessee.

The performance of liner/leachate collection systems and final cover systems is an integral part of our ground water protection strategy. The following inspection schedule is provided as a guideline or goal for field offices to use in performing construction inspections, and is a description of the critical steps in the construction process.

As a minimum, each construction project (i.e. construction on each cell) should be inspected at least twice, once during the construction and again just prior to receiving waste. In addition, field office staff should attend a pre-construction meeting at least once for each permitted facility.

Inspection Schedule

I. Pre-Construction Meeting

This type of meeting should be attended by SWM staff at least once for each facility. It might be necessary to attend a second meeting if significant problems were noted during the initial construction phase. The owner (who may be represented by his engineer), the engineer (CQA officer), and the construction contractor should all be present and discuss the site specific CQA Plan for the facility. The following should be discussed:

A. Role of CQA officer
B. Test frequency and methods for borrow material, liner and other materials
C. Equipment required
D. DSWM role in the project

II. Base Grade Inspection

Many recent permits have been issued with a specific condition requiring inspection by DSWM of the base grade of excavation. This inspection is more directly related to the geologic buffer, but it can have implications for liner construction. For example, if sandy or rock zones are noted, and the excavation material was proposed to be used as liner construction material, then its borrow stockpile should be closely inspected.

III. Clay Liner Construction Inspection

This type of inspection should be performed as necessary, but in order to evaluate construction techniques, the inspector should be present when clay is being placed and compacted. As-built clay liners look very much the same whether they fail permeability tests or not. Use the inspection checklist to look for such items as:

A. Borrow material properties
B. Number of passes
C. Lift thickness
D. Type of equipment, etc.

IV. Final inspection - Clay Liner

In order for the composite liner concept to work, intimate contact between the FML and the clay liner is necessary. Therefore, the finished surface of the clay liner should be smooth, free of rocks or other protrusions, and free of desiccation cracks (see checklist).

V. FML Installation Inspection

Proper liner (FML) installation is very difficult and prone to human error. Fortunately all seams can be field tested for integrity and sample scan be lab tested for strength. Our field inspection is primarily to observe the seaming technique (see checklist).

VI. Final Inspection/Drainage Layer Inspection

This inspection should be made prior to the facility receiving waste and is primarily used to check that the leachate collection system will function as designed. Look for proper materials of pipes and geotextiles and make sure that grades have been surveyed (see checklist).

Use of the Checklist

A CQA checklist should be completed whenever one of the above site inspections is performed. A copy should be forwarded to the Central Office and one copy to the owner. Any observed problems (checklist items) may be followed up on or responded to in a number of ways. In order of preference they are as follows:

1. Item is discussed and resolved with owner or CQA officer on-site at the time of inspection. This should be noted in the comments section.

2. Item is followed up by a subsequent inspection and so noted as being satisfactory in the comment section.

3. Item is discussed verbally with owner (or engineer) subsequent to inspection and, if resolved, the conversation should be recorded by a memo to the file.

4. Item is noted in a cover letter to owner when their copy of the CQA checklist is sent. Owner should be requested to respond to the item in writing.

Resolution of disputed (unresolved) items may be pursued as a Permit violation. Keep in mind that our ultimate measuring stick for a successful liner project is the undisturbed permeability test of the completed liner

POLICY/notebook/pn075

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

PURPOSE
- ☐ Clay liner installation
- ☐ FML Synthetic liner
- ☐ Drainage layer construction

INSPECTION CHECKLIST

☐ Interim ☐ Final

Name of Site	Registration Number
Location	Type of facility ☐ Class I ☐ Class II
Owner/Operator	☐ Other (explain) _____

Inspection Date	Time Inspection Began	Time Inspection Completed	Weather Conditions and Temperature

CLAY LINER

Borrow Material	**Yes**	**No**
– Are rocks larger than 2 inches present?	___	___
– Are any roots or debris present?	___	___
– Are borrow materials being field tested?	___	___
– Is the soil cohesive?	___	___
Placement		
– Is subgrade (previous lift) scarified prior to placement?	___	___
– Is subgrade drying out?	___	___
– Are CQA personnel on site?	___	___
– Are loose lifts of proper thickness?	___	___
– Is a water truck on site to protect the liner from desiccation?	___	___
Compaction		
– Is compacted liner being field tested?	___	___
– Do number of passes conform to plan?	___	___
– Is equipment on site appropriate for construction of liner?	___	___
Surface Finishing		
– Is the final lift smooth enough for placement of the geomembrane?	___	___
Protection		
– Is the liner being protected from desiccation and freezing?	___	___
Final Grading		
– Has liner been surveyed to check grade and thickness?	___	___

FML SYNTHETIC LINER

Material	**Yes**	**No**
– Has liner been damaged during storage?	___	___
– Is FML proper thickness and type?	___	___
Installation		
– Is clay surface smooth and free of rocks?	___	___
– Is earth moving equipment kept off liner?	___	___
– Is QA manager on site?	___	___
– Are seam surfaces clean and free of dirt?	___	___
– Are liner anchors in conformance with design?	___	___
– Is liner weighted against wind?	___	___
Testing		
– Have all seams been tested (or being tested)?	___	___
– Are destructive tests being performed?	___	___
– Are nondestructive tests being performed?	___	___

DRAINAGE LAYER

Material	**Yes**	**No**
– Has geotextile been installed to protect FML (if necessary)?	___	___
– Is the FML exposed?	___	___
– Is drainage material free of dirt?	___	___
– Has (sand/aggregate) drainage material passed the minimum permeability specification?	___	___
Placement Method		
– Does placement method protect FML?	___	___
– Is QA manager on site?	___	___
– Have leachate trenches been installed according to plans?	___	___
Geotextile		
– Does geotextile meet the requirements outlined in the plans?	___	___
Pipe		
– Does pipe meet the size and thickness requirements specified in the design plans/drawings?	___	___
Sumps		
– Do sump location, configuration and construction materials conform to the approved plans?	___	___

COMMENTS: _____

PERSON INTERVIEWED: _____ _____
(Signature) (Title)

INSPECTED BY: _____ _____
(Signature) (Title)

MEMORANDUM OF AGREEMENT

BECAUSE both the Division of Radiological Health (DRH) and the Division of Solid Waste Management (SWM) have jurisdiction over facilities managing both radioactive materials and hazardous waste or mixed waste; and

BECAUSE both Divisions have rules that require financial assurance to protect the public and the environment from such facilities becoming unable to properly close or reclaim the facility; and

BECAUSE in the case of facilities that handle mixed waste there is a potential for duplication between the DRH financial assurance and the SWM financial assurance; and

BECAUSE both Divisions wish to reduce unnecessary duplication and cost to the regulated community; and

BECAUSE cooperation and coordination are necessary to the proper administration of the financial assurance mechanisms for these sites.

The Division of Radiological Health and the Division of Solid Waste Management wish to enter into this Memorandum of Agreement.

1. This Agreement and the process it outlines are only applicable to facilities or portions of facilities that handle mixed waste.

2. Both Divisions agree that if either Division proposes any changes in financial assurance rules, it will notify the other Division of the proposed change.

3. Both Divisions recognize that certain changes to their financial assurance rules could impair the ability of the Divisions to coordinate clean-ups.

4. Both Divisions agree to notify the other if there is a failure of the facility to maintain their financial assurance or a decision by a bank not to renew a letter of credit or of a

surety not to continue a bond, or other similar events relating to actual or potential failures to maintain financial assurance.

5. Both Divisions agree to notify the other if they become aware of circumstances that might warrant forfeiture of financial assurance.

6. If a forfeiture becomes necessary, the Divisions will coordinate actions during the process of forfeiture as well as during the planning process for remediation and during remediation itself. This will include but is not limited to: specifying a person in each Division who is the contact person, if different from the Director, having a single contractor to do work, setting up a procedure for one Division to be "the lead" while obtaining necessary expertise and comment from the other Division.

Signed this 21st day of July, 1993

Signature on File
Tom Tiesler, Director
Division of Solid Waste Management

Signature on File
Michael H. Mobley, Director
Division of Radiological Health

Signature on File
Wayne K. Scharber
Assistant Commissioner
Bureau of Environment

POLICY/notebook/82

Memorandum of Agreement

Whereas, the Tennessee Department of Environment and Conservation, through the Division of Solid Waste Management (DSWM), is required by T.C.A. 68-211-101 et seq. to regulate the construction, operation and maintenance of solid waste processing and disposal facilities in order to protect the public health, safety and welfare, and specifically in respect to this agreement the "waters" of the State of Tennessee [as that term is defined by T.C.A. 69-3-103(32)], through a comprehensive siting, monitoring and compliance program; and

Whereas, the Tennessee Department of Environment and Conservation is charged, in the administration of T.C.A. 69-3-101 et seq., to exercise general supervision and control over the quality of the waters of the State, such charge being carried out by the Division of Water Pollution Control (DWPC) with assistance from the Ground Water Management Section of the Division of Water Supply; and

Whereas, the Tennessee Department of Environment and Conservation has a public obligation to maintain a coordinated regulatory program for all regulated environmental functions in the State and the standards by which such programs are administered should be consistent; and

Whereas, is has been determined that the Memorandum of Agreement, adopted by the former Tennessee Department of Public Health on June 9, 1980, relating to the matters addressed herein, should be updated to better address the issues arising between the two Divisions by virtue of certain overlapping concerns;

Therefore, in consideration of the premises, both Divisions mutually understand, agree and approve that the Division of Solid Waste Management is recognized as the program having authority over the regulation of solid waste facilities, and that a primary objective of such regulation is that the construction, operation and maintenance of such facilities be done in a manner as to avoid the pollution of waters of the State. In order to achieve this objective, certain activities of DSWM shall be coordinated with DWPC, in a manner which fosters teamwork and communication between the two Divisions, as follows:

Site Selection

1. DSWM will review preliminary hydrogeologic evaluations conducted by the applicant in the selection of potential sites for solid waste facilities.

2. Upon receipt of a Part I application and the required hydrogeologic report, DSWM will provide DWPC with a 7 $^1/_2$ minute USGS quadrangle sheet noting the location of the proposed footprint for a potential site. A memo from DSWM summarizing the proposed time table for project completion, including any regulatory deadlines, will be attached and, if deemed necessary, the DSWM geologist will attach a brief narrative of information pertinent to the site. DWPC shall communicate with DSWM regarding the necessity for and timing of a field assessment, which should be coordinated so that both DWPC personnel and the DSWM geologist may view the site together. After any

needed field assessment is completed, DWPC shall forward to DSWM a report which includes input on all water issues (e.g., defining streams, wetlands, wellhead protection zones, etc. and evaluating any effects of the proposed facility on water quality). The report should also include any DWPC recommendations for consideration by DSWM in the final evaluation of the proposed site. All technical concerns of DWPC shall be discussed jointly prior to any final determination by DSWM.

3. DSWM rules provide that disposal facilities must be located "such that the fill areas are, at a minimum, 200 feet from the normal boundaries of springs, streams, lakes, and other bodies of water" [1200-1-7-.04(3)], and that "Facilities must not be located in a wetland" [1200-1-7-.03(2)(p)]. However, applicants for permits for solid waste disposal facilities are not precluded from making application to the appropriate agencies for 404/401 permits or aquatic resource alteration permits (ARAPs) to authorize changes in such area so as to allow them to be considered as potential sites for such facilities. Similarly, DSWM may grant variances from the siting restrictions found in its regulations if it is determined that alternative standards or requirement achieve protection of the public health and environment equal to the regulatory requirements. DWPC shall evaluate applications concerning aquatic resource alterations in accordance with applicable DWPC rules and standards. DWPC shall proceed to process such applications and issue a notice of determination, containing a decision to issue or deny the ARAP or 401 permit. DSWM shall, thereafter, make a tentative permit decision, with the public notice thereof referencing the decision made by DWPC concerning any aquatic resource alteration. Public hearings conducted by DWPC are limited to the technical considerations set forth by the proposed aquatic resource alteration, whereas public hearings conducted by DSWM address all aspects of the proposed disposal facility's design, construction and operation.

4. The above provisions shall apply to the expansion of existing solid waste facilities as well as to siting of new facilities.

Technical Review

1. DSWM will review hydrogeological reports submitted by applicants for disposal sites to evaluate the potential impact of site operation on the ground and surface waters. This review shall consider ground water and surface water movement in order that a suitable monitoring program may be established.

2. DSWM will ascertain and require that the design of a solid waste facility utilizes, to the extent necessary, all adaptable best management practices (BMPs) for silt control to minimize the potential for degradation of receiving streams, in compliance with DWPC rules governing stormwater discharges. Monitoring programs shall be adopted to evaluate the effectiveness of control at each site. The BMPs to be reviewed include, but are not restricted to:

   (a) Phased site development (minimum excavated areas)
   (b) Timely revegetation
   (c) Grade control on slopes (outslopes and working area)
   (d) Silt retention appurtenances (silt screens, check dams, etc.)
   (e) Stabilized drainage appurtenances

(f) Surface water control
(g) Soil characteristics and silt potential
(h) Silt structures (basins, etc.)

3. DSWM shall require any solid waste facility to obtain any discharge permit required pursuant to the Water Quality Control Act (e.g., compliance with stormwater requirements). Any facility which discharges to a POTW shall be required by DSWM to obtain applicable local permits for such discharge. DSWM shall notify such facilities of this requirement. In addition, permits issued by DSWM shall require that where a solid waste facility utilizes a pump and haul operation to dispose of a discharge, the solid waste facility shall notify DWPC and DSWM field office staff as to the receiving POTW.

Compliance Monitoring & Enforcement

1. DSWM will perform compliance monitoring of permitted solid waste facilities as necessary. DWPC, with assistance from DSWM, shall investigate alleged water quality violations by such facilities. Field office personnel of both Divisions shall coordinate in conducting such investigations so that site inspections may be made with both DSWM and DWPC personnel present to observe and discuss findings.

2. DWPC will perform compliance monitoring of facilities issued permits under the Water Quality Control Act. DWPC shall pursue enforcement activity when a solid waste facility is in violation of any such permit or in any instance where a violation of any such permit or in any instance where a violation of the Water Quality Control Act does not also constitute a violation of the Solid Waste Disposal Act. DSWM shall pursue other enforcement activity. SWPC may submit enforcement requests to DSWM for water quality violations by solid waste facilities. If such a request is submitted, DWPC personnel shall be available as needed during follow-up inspections and hearings.

3. Each Division shall respond to citizen complaints arising under their respective Acts in a manner consistent with Paragraphs 1 and 2 above.

4. Each Division shall keep the other advised as to the status of enforcement matters addressing violations which result from coordinated investigations of permitted solid waste facilities. Each field office inspector (DSWM & DWPC) involved in the investigation of the site shall receive copies of significant documents (e.g., NOVs, Commissioner's Orders, Final Orders, correspondence relating to the status of remedial activities) generated during any enforcement proceeding, to ensure continued communication between the Divisions throughout such proceeding. Personnel from each Division may be utilized in any contested case hearings before the Solid Waste Disposal Control Board or the Water Quality Control Board.

Whereas, there are anticipated technical and legal changes which may require further modification of these procedures periodically, the undersigned Division Directors will scrutinize this Agreement on a continuing basis.

AGREED to this date __June 10, 1993_____ and subject to change in writing upon assessment of such need.

Signature on File
J. Tom Tiesler, Director
Division of Solid Waste Management

Signature on File
Paul E. Davis, Director
Division of Water Pollution Control

APPROVED:

Signature on File
Wayne K. Scharber
Assistant Commissioner
Tennessee Department of Environment
and Conservation

POLICY/notebook/83

TO: Tom Tiesler, Director
Division of Solid Waste Management

Ken Bunting, Administrator of Water Programs
Bureau of Environment

Paul Davis, Director
Division of Water Pollution Control

FROM: Alan M. Leiserson, Environmental Legal Counsel
Office of General Counsel - Environmental

DATE: December 20, 1988

RE: WPC - SWM MOA ON LANDFILLS

We met on Friday, December 16, 1988 to discuss the issue of who permits what at landfills. Agreement was unanimous on the following points:

1. Water Pollution will promulgate a general permit in a rule that applies to erosion control at landfills. The general permit will require best management practices rather than use numbers. It will apply both to construction and operation. It will apply to new and existing landfills.

2. Leachate collection systems fall into three (3) categories which will be handled as follows:

(a) treatment and discharge to POTW-pretreatment permit will be obtained from POTW

(b) pump and haul - permit will be obtained from POTW

(c) treatment and discharge to stream - NPDES permit will be issued

SWM will require in its permit that landfills in categories (a) and (b) obtain the local permit.

3. SWM will have a provision in its permit that no discharge occur to ground water.

POLICY/notebook/pn084

xc: Frank Victory
Mike Apple
Alan Foster
Mary Johnston

MEMORANDUM OF AGREEMENT

Whereas, there is a need by the Division of Solid Waste Management (hereafter "SWM" to have services of a contractor to conduct investigations of certain suspected inactive hazardous waste disposal sites; and

Whereas, the Division of Superfund thereafter, "DSF" is authorized to and does maintain the services of a contractor capable of conducting investigations of hazardous substance disposal sites; and

Whereas, a hazardous waste is a hazardous substance as defined at TCA 68-46-202(2); and

Whereas, the use of the DSF contractor must be consistent with uses of the Remedial Action Fund as described at TCA 68-46-205; and

Whereas, the collection of civil penalties and damages under TCA 68-46-101 et. seq. must be deposited in the Remedial Action Fund as required at TCA 68-46-204(a).

Therefore, be it required that the Divisions mutually understand, agree, and approve that:

1. SWM is authorized to request the DSF to engage and initiate investigation of inactive hazardous waste disposal sites by the DSF contractor; and

2. Such response actions may be limited by the availability of funds and priorities of the Superfund Program. The contractor will be paid from the Remedial Action fund for services allowed at TCA 68-46-205; and

3. If otherwise appropriate under TCA 68-46-114(b)(4), SWM will assess as damages any amounts expended from the Remedial Action fund pursuant to said investigation; and

4. This agreement shall not be construed as allowing expenditures for hiring personnel for continuing programs of the department of Health and Environment pursuant to Part I of Chapter 46 or for any ongoing or long term research activities.

Signature on File	Signature on File
Tom Tiesler, Director	James C. Ault, Director
Division of Solid Waste Management	Division of Superfund
(April 6, 1987)	(April 6, 1987)
Date	Date

POLICY/notebook/86

AMENDMENTS TO ASBESTOS M.O.U. OF 1980 BETWEEN DAPC AND DSWM

Introduction

The purpose of this document is to incorporate the changes to Rule 1200-3-11-.02 required by the initial adoption of the revised Asbestos NESHAPS by DAPC board on January 8, 1992.

Revisions to Rule 1200-3-11-.02 have been implemented to upgrade the regulation to conform to EPA's November 20, 1990, Asbestos NESHAP Revisions to 40 CFR Part 61, Subpart M published in FR Vol. 55, No. 244 on pages 48406 to 48433. The principal changes that will effect the existing M.O.U. are as found in the sections of the new regulation identified below:

Rule 1200-3-11-.02(2)(d)	Standard for demolition and renovation.
Rule 1200-3-11-.02(2)(j)	Standard for waste disposal for asbestos mills
Rule 1200-3-11-.02(2)(l)	Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations
Rule 1200-3-11-.02(5)	Standard for active waste disposal sites
Rule 1200-3-11-.02(6)	Standard for operations that convert asbestos containing waste material (ACWM) into non-asbestos (asbestos-free) material

SUMMARY OF CHANGES

Cover page:	Review to reflect the Department's name changes with new signature lines and the introductory additional wording found under introduction.
Site selection:	No suggested changes.
Technical review:	Suggest that the date of final revisions to the NESHAPS rule be included after the rule number. This date may be sometime in November of 1992.
Inspections and Enforcement::	Revise 2 and 3 as suggested.
Preliminaries:	No suggested changes.
Procedure for Disposal of Asbestos Waste:	Suggest that 1, 3, 4, 5, 6 and 10 be revised as shown.
Shipper's Log and Landfill Operator's Log:	Suggest that Waste Shipment Record (Figure 4) be substituted (see attachment).

ASBESTOS M.O.U.
OF 1992

Site Selection

1. The Division of Solid Waste Management (DSWM) will conduct preliminary site reviews in the selection of potential sites for sanitary landfills or special waste site.

2. DSWM will provide DAPC with location of sites and other information deemed pertinent to proposed sitings, handling and operating procedures for contaminant waste.

Technical Review

1. DSWM will utilize DAPC established management practices and adhere to the regulations found in Chapter 1200-3-11-.02 of the Tennessee Air Pollution Control Regulations for the disposal of (special air contaminant) wastes at sites approved by DSWM.

2. DSWM will ascertain that the design of a sanitary landfill or special waste site utilizes all adaptable best management practices (BMP's) for emission control of special air contaminant wastes to minimize the potential for degradation of air quality.

   The BMP's to be reviewed include, but are not restricted to:

   1) Phased site development (minimum specific area).

   2) Timely, correct handling procedures, cover, compaction and revegetation.

   3) Soil characterization, geologic structure for minimum potential of movement and surface water control.

   4) Operators protective equipment.

   5) No visible emissions.

   6) Logs completed (shipping and receiving).

ASBESTOS M.O.U. BETWEEN DAPC AND DSWM
EFFECTIVE 1992

Whereas the Tennessee Department of Environment and Conservation, through the Division of Solid Waste Management (DSWM) is required by Section 68-211-101 et. seq., Tennessee Code Annotated, to regulate the construction, operation, and maintenance of solid waste processing and disposal facilities in order to protect the public health, safety and welfare and specifically in respect to the agreement, the air quality of the State of Tennessee through a comprehensive siting and inspection program of approved disposal facilities; and

Whereas the Tennessee Department of Environment and Conservation, Division of Air Pollution Control (DAPC) has in the administration of TCA Section 68-201-101 et. seq., developed procedures and standards for the protection of the air quality of the State; and

Whereas the Tennessee Department of Environment and Conservation has a public obligation to maintain a coordinated regulatory program of all regulated environmental functions in the State of Tennessee, the standards by which these programs are administered shall be consistent. This agreement shall be the mechanism by which this objective is attained.

Therefore, be it resolved that both divisions mutually understand, agree and approve that the Division of Solid Waste Management is recognized as the agency having authority for the regulation of sanitary landfills in such a manner as to preclude the pollution of the air in the State of Tennessee through the administration of the following activities enumerated, herein.

(2-9-93)	Signature on File
Date	Director of Air Pollution Control
(2-9-93)	Signature on File
Date	Director of Solid Waste Management

Inspections and Enforcement

1. DSWM will establish site specific requirements for compliance. The compliance shall reflect BMP's and site specific handling as necessitated by special air contaminate waste permit and procedures.

2. A representative of the Division of Air Pollution Control (DAPC) will be able to witness the disposal of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting the asbestos containing waste material (ACWM). Since it is the responsibility of the DAPC to make visible emission evaluations and since the DAPC representative is trained in the procedures to make such evaluations, the DAPC in cooperation with DSWM will provide this technical support as a means to achieve mutual compliance with the regulations of both divisions. Any enforcement activity that occurs as a result of a violation of the no visible emissions regulation Will be jointly undertaken with the DAPC representative providing expert witness testimony.

3. DSWM will note procedures employed during unloading to ensure that signs bearing the correct warning language as specified by the APC Rule 1200-3-11-.02(2)(k)4 are affixed to the vehicle while at the disposal site.

Preliminaries

1. Contact must be established with the appropriate Solid Waste Management representative.

2. The site selection for the material must be registered and approval obtained in writing prior to disposal of the material through the Division of Solid Waste Management. All appropriate agencies and individuals will be presented with this information.

3. Permission from the official responsible for the approved facility must be obtained in writing prior to the disposal of the material. All appropriate agencies and individuals will be presented with this information.

Procedures for Disposal of Asbestos Waste

1. Ten working days advance notice must be given to the DAPC of asbestos removal to allow field personnel to view the removal procedures at the originating site. This can be accomplished by Submittal of Notification of Asbestos Demolition or Renovation (Figure 3 of the DAPCR).

2. The containers for the waste must be in fact leak-tight containers and approved by the Division of Air Pollution Control.

3. The waste should be transported in an enclosed vehicle or on a covered 39-14-503 carrier as described in Tennessee Code Annotated. The waste Shipment Record (Figure 4) will be completed and a copy submitted to the Division of Solid Waste Management.

4. Advance notice must be given to the landfill operator prior to receiving the waste, or a routine schedule established such that the operator will have time to prepare an area to receive the waste. Communication procedures should be sufficient between the contractors or plants and landfill operators to allow flexibility. The only required document the DAPC will need to meet its regulatory requirements is the waste Shipment Record (Figure 4) and proof that the records are returned to the waste originator for disposal tracking purposes. Copies of the 10 day notice letter to DAPC are not necessary but can be referenced in a letter to the disposal site. The DAPC will track all notices (Figure 3) received and update, copy or advise DSWM of status on request. When the Waste Shipment Record is not received by the waste generator confirming disposal, the Technical Secretary will, upon receipt of such notice, contact the DSWM to request their cooperation in tracking the shipment and provide investigatory support off site if needed.

5. Respirators which meet the DSWM requirements for asbestos must be provided for the landfill employees involved in the disposal process. This is the responsibility of the landfill owner.

   Landfill operators will note procedures employed during unloading of ACWM to ensure that signs bearing the correct warning language as specified by the APC rule 1200-3-11-.02(2)(k)4 are affixed to the vehicle while at the disposal site.

6. The appropriate solid waste and air pollution control representatives will witness the initial disposal to ensure proper handling and disposal procedures (if desired by the respective agencies). Following initial disposal, a representative of the DAPC will be able to witness the disposal of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting the ACWM.

7. The asbestos waste containers must be confined to a specific area, prepared by the landfill operator, at the disposal site to assure proper disposal with minimum complications.

8. The containers of waste must be handled carefully and deliberately such that there will be <u>no rupturing of containers nor visible emissions</u> in the disposal process. When improperly packaged ACWM is observed by the owner or operator of any asbestos waste disposal site to be disposed of both the Technical Secretary and the DSWM must be notified so that independent investigations of the cause for improper packaging can be conducted at both the disposal site by DSWM and at the point of removal.

9. The operator will immediately apply one foot of cover material over the waste and then compact the cover material.

10. Upon completion, the site shall be recorded with the Register of Deeds as a former disposal site containing asbestos.

    The DSWM will notify the DAPC upon receipt of closure so that the DAPC can update the asbestos notification database to flag this location as no longer being able to accept ACWM for disposal purposes.

11. Specific area used for disposal of asbestos shall be noted on site plan.

Figure 3

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

NOTIFICATION OF ASBESTOS DEMOLITION OR REMEDIATION

Operator Project #	Postmark	Date received	Notification #

I. Type of Notification (O-Orig. R-Revised C-Canceled)			
II. Facility Information (Identify Owner, Removal Contractor, Operator)			
Owner Name:			
Address:			
City:	State:	Zip:	
Contact:	Telephone: ( )		
Removal Contractor:			
Address:			
City:	State:	Zip:	
Contact:	Telephone: ( )		
Other Operator:			
Address:			
City:	State:	Zip:	
Contact:	Telephone: ( )		
III. Type of Operation ((D-Demo. O-Ordered Demo. R-Renov. E-Emer. Renov.)			
IV. Is Asbestos Present? (Yes/No)			
V. Facility Description (Include Building Name, Number and Floor or Room Number:			
Building Name:			
Address:			
City:	State:	Zip:	
Site Location:			
Building Size: Total Sq. Ft.	# of Floors:	Age in Years:	
Present Use:	Prior Use:		
VI. Procedure and Analytical Method Used to Detect the Presence of Asbestos Material			
VII. Approximate Amount of Asbestos In Work Area Including			

	RACM To Be Remove	Nonfriable Asbestos Material Not To Be Removed Cat	Not To Be Removed Cat	To Be Removed Cat	To Be Removed Cat	Units of Measure
1. Regulated ACM to be Removed						
2. Category I ACM Not Removed						
3. Category II ACM Not Removed						
Pipes						LnFt Ln m
Surface Area						SqFt S q m
Vol RACM off Facility Components						CuFt Cu m

VIII. Scheduled Dates Asbestos Removal	Start:	Complete:	
Scheduled Dates of Preparation	Start:	Complete:	
Days of Week: (circle) All Sun Mon Tue Wed Thu Fri Sat	Hours of Day:		
IX. Scheduled Dates Demo/Renovation Start:	Complete:		
X. Description of Planned Demolition or Renovation Work, Method(s) to be Used.			
XI. Description of Work Practices and Engineering Controls to be used to Prevent Emissions of Asbestos at the Demolition and Renovation Site.			

XII. Waste Transporter #1		
Name:		
Address:		
City:	State:	Zip:
Contact: Person:	Telephone: ( )	
Waste Transporter #2		
Name:		
Address:		
City:	State:	Zip:
Contact: Person:	Telephone: ( )	
XVIII. Waste Disposal Site		
Name:		
Address:		
City:	State:	Zip:
Telephone:		
XIV.If Demolition Ordered by a Government Agency, Please Identify Below::		
Name:	Title:	
Authority:		
Date of Order (MM/DD/YY):	Date Ordered to Begin (MM/DD/YY):	
XV.For Emergency Renovations		
Date and Hour of Emergency (MM/DD/YY):		
Description of the Sudden, Unexpected Event:		
Explanation of How the Event Caused Unsafe Conditions or Would Cause Equipment Damage or an Unreasonable Financial Burden:		
XVI: Description of Procedures to be Followed in the Event Asbestos is Found or Previously Nonfriable Asbestos Material Becomes Crumbled, Pulverized, or Reduced to Powder.		
XVII. I Certify That an Individual Trained in the Provisions of This Regulation (40 CFR Part 61, Subpart M) Will be On-Site During the Demolition or Renovation and Evidence That Required Training has Been Accomplished by This Person Will be Available for Inspection During Normal Business Hours. (REQUIRED AFTER NOVEMBER 20, 1991) _____ (Signature of Owner/Operator) _____ (Date)		
XVIII. I Certify That the Above Information is Correct. _____ (Signature of Owner/Operator) _____ (Date)		

Submit Completed Form by U.S. Postal Service / Commercial Deliver Service or Hand Deliver to:

Division of Air Pollution Control
9th Floor , L & C Annex
401 Church Street
Nashville, TN 37243-1531.
(615) 532-0554

Figure 4

Department of Environment
and Conservation
Division of Air Pollution Control

9th Floor L & C Tower
401 Church Street
Nashville, TN 37243-1551
(615)-532-0554

ASBESTOS WASTE SHIPMENT RECORD

GENERATOR		
1. Work site name and mailing address	Owner's name	Owner's telephone no. ( )
2. Operator's name and address		Operator's telephone no. ( )
3. Waste disposal site (WDS) name, mailing address physical site location and disposal facility permit number		WDS phone no. ( ) Permit no.
4. Name and address of responsible agency		
5. Description of materials	6. Containers No. Type	7. Total quantity m^3 yd^3
8. Special handling instructions and additional information		

9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

Print/type name & title _____ Signature _____ Month Day Year _____

TRANSPORTER
10. Transporter 1 (acknowledgement of receipt of materials) Print/type name & title _____ Signature _____ Month Day Year _____ Address _____ Telephone No. ( ) _____.
11. Transporter 2 (acknowledgement of receipt of materials) Print/type name & title _____ Signature _____ Month Day Year _____ Address _____ Telephone No. ( ) _____.

DISPOSAL SITE
12. Discrepancy indication space
13. Waste disposal site Owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12. Print/type name & title _____ Signature _____ Month Day Year _____

INSTRUCTIONS

Waste Generator Section (Items 1-9)

1. Enter the name of the facility at which asbestos waste is generated and the address where the facility is located. In the appropriate spaces, also enter the name of the owner of the facility and the owner's phone number.

2. If a demolition or renovation, enter the name and address of the company and authorized agent responsible for performing the asbestos removal. In the appropriate spaces, also enter the phone number of the operator.

3. Enter the name, address, and physical site location of the waste disposal site (WDS) that will be receiving the asbestos materials. In the appropriate spaces, also enter the phone number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.

4. Provide the name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.

5. Indicate the types of asbestos waste materials generated. If from a demolition or renovation, indicate the amount of asbestos that is
   - Friable asbestos material
   - Nonfriable asbestos material

6. Enter the number of containers used to transport the asbestos materials listed in item 5. Also enter one of the following container codes used in transporting each type of asbestos material (specify any other type of container used if not listed below):
   DM - Metal drums, barrels
   DP - Plastic drums, barrels
   BA - 6 mil plastic bags or wrapping

7. Enter the quantities of each type of asbestos material removed in units of cubic meters (cubic yards).

8. Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternate waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.

9. The authorized agent of the waste generator must read and then sign and date this certification. The date is the date of receipt by transporter.

NOTE: The waste generator must retain a copy of this form.

Transporter Section (Items 10 & 11)

10. & 11. Enter name, address, and telephone number of each transporter used, if applicable. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this waste shipment record for transport. Enter date of receipt and signature.

NOTE: The transporter must retain a copy of this form.

Disposal Site Section (Items 12 &13)

12. The authorized representative of the WDS must note in this space any discrepancy between waste described on this manifest and waste actually received as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to nonasbestos material is considered a WDS.

13. The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The date is the date of signature and receipt of shipment.

NOTE: The WDS must retain a completed copy of this form. The WDS must also send a completed copy to the operator listed in item 2.

MEMORANDUM OF AGREEMENT

BETWEEN THE

DIVISION OF SOLID WASTE MANAGEMENT

AND THE

DIVISION OF WATER SUPPLY

THE MEMORANDUM OF AGREEMENT is entered into between the Division of Solid Waste Management (DSWM) and the Division of Water Supply (DWS) under, and in accordance with, the authority of the Tennessee Solid Waste Act, Tennessee Code Annotated § 68-211-101 et seq. and the Tennessee Water Quality Control Act of 1977, Tennessee Code Annotated § 69-3-101 et seq. (Cum. Supp. 1983); and the Water Quality Act of 1987 (P.L. 100-4); and the provisions of Tennessee Code Annotated § 68-221-101 et seq.

PURPOSE

The Division of Water Supply is the division responsible for investigating, inspecting and general supervision over the operation and maintenance of water supply and waterworks systems. The Division of Solid Waste Management is responsible for the general supervision over the operation and maintenance of solid waste processing and disposal facilities or sites. The purpose of this memorandum of agreement is to transfer the responsibility for the “land application” of sludge generated from waterworks systems from the DSWM to DWS.

DEFINITIONS

"Waterworks system" shall be defined as per TCA 68-221-101.

"DWS" will mean Tennessee Department of Environment and Conservation, Division of Water Supply.

"DSWM: will mean Tennessee Department of Environment and Conservation, Division of Solid Waste Management.

ELEMENTS OF AGREEMENT

There is mutual agreement between the Division of Solid Waste Management and the Division of Water Supply on the following:

1. DWS will assume primacy for all beneficial use or disposal by land application of waterworks treatment sludge on the effective date of this MOA.

2. DWS will grant interim acceptance for all such land application sites approved by DSWM prior to the effective date of this MOA.

3. DSWM will make available to DWS all files on any existing sites authorized by the DSWM.

4. The DSWM will make copies of such land application files available to DWS staff. When field offices are physically located in the same building, a mutually acceptable location for the files will be agreed upon by the office supervisors for DSWM and DWS.

5. The DSWM retains regulatory responsibility for such sludge disposal in landfills permitted by DSWM. All other such sludge management uses will be regulated by the DWS.

6. DSWM staff will be available to DWS staff for consultations on past projects on a case-by-case basis. These consultations will be to provide background information and may involve site inspections, reviews of reports and/or applications on a very limited basis.

7. When siting new waterworks treatment sludge application sites, the DWS will utilize the buffer zone standards in the attachment.

EFFECTIVE DATE: April 1, 1996

Signature on File
David Draghon, Director
Division of Water Supply

Signature on File
Tom Tiesler, Director
Division of Solid Waste Management

APPROVED:

Signature on File
Kenneth W. Bunting, Administrator
Land and Radiological Program

Signature on File
James W. Haynes, Administrator
Air and Water Programs

Signature on File
Wayne K. Scharber, Deputy Commissioner
Environment

ATTACHMENT

The following buffer zones standards will apply to new sites used for the land application of waterworks treatment sludge:

Subject	Minimum Buffer Distance
dwelling	250 feet
road	20 feet
surface water	200 feet
public well	1,000 feet
private well	500 feet
water table	4 feet (vertically)

POLICY/notebook/pn089

Tennessee Department of Environment and Conservation

Division of Solid Waste Management

BENEFICIAL USE OF NONTOXIC SPENT FOUNDRY SAND

POLICY

I. Purpose

This policy was developed by the Tennessee Division of Solid Waste Management (the Division) to facilitate the beneficial use of nontoxic spent foundry sand in a manner that is protective of the public health and environment.

Generators of spent foundry sand are encouraged to actively explore and implement economically feasible alternatives to reduce the volume and toxicity of foundry sand produced, as well as on-site recycling, or recovery, before evaluating potential beneficial uses.

II. Scope

This policy sets forth beneficial uses of nontoxic spent foundry sand from iron and aluminum foundries. It describes notification requirements, lists uses which do not require Division review or approval, lists examples of uses which require project specific Division review, and outlines record keeping requirements.

III. Applicability

This policy applies to nontoxic spent sand from iron and aluminum foundries used or proposed to be used for a particular beneficial purpose in lieu of a competing raw material or finished product. This policy does not apply to waste disposal or indiscriminate dumping/filling.

IV. Initial Documentation Required

For a beneficial reuse of foundry sand to be covered by this policy, the foundry which generates the sand must provide documentation to the division that the sand is “nontoxic” and has been “processed for reuse” For the purposes of this policy, “nontoxic” means that the foundry sand is non-hazardous and contains chemical constituents in concentrations equal to or less than those outlined in Table I. Also, for the purposes of this policy, “processed for reuse” means that the sand has been subjected to a process by which metal and trash are removed. Metal or trash removal is not required provided the foundry can demonstrate that these materials are not present in their sand in significant quantities.

For uses outlined in Part V, items A through E of this policy, initial documentation is not required. However, if the foundry wishes to be covered by this policy, demonstration must be submitted to the appropriate field office. Initial documentation is required for the small construction projects in part V, item F.

V. Uses Not Requiring Division Review

The following uses do not require prior Division review or approval:

A. *Manufacturing another product:* The use as a raw material in manufacturing another final product, including, but not limited to, grout, cement, flowable fill, lightweight aggregate, concrete block, bricks, asphalt, roofing materials, plastics, paint, glass, fiberglass, ornamental ceramics and other non-land applications, or as a substitute for a product (e.g. blasting grit), excluding soil products.

B. Stabili*zation/solidification of other waste (for disposal)*: The use as a stabilization/solidification agent, singly or in combination with other additives or agents, for other wastes which will be disposed of at an approved disposal facility.

C. *Use in a composting process*: The use in a composting process when the process is performed in accordance with applicable composting regulations. This term does not include the use as a post-composting additive, or land application.

D. *Daily cover/final cover at landfill*: Uses as daily cover/final cover at a solid waste landfill, meeting all technical requirements for daily cover/final cover and approved by a permit. The amount of daily cover/final cover shall not exceed the amount under an approved permit.

E. *Landfill liner protective layer*: Use as a protective layer for landfill liners as part of an approved permit for the landfill.

F. *Small construction projects*: Uses outlined in Part VI of this policy when the amount used for any single project does not exceed 200 tons and is stabilized. The project must not impact streams, wetlands, or other waters of the State. For small construction projects to be covered under this policy, the generator must provide the "initial documentation" to the Division.

VI. Uses Requiring Division Review To Participate Under This Policy

The following uses require prior Division project review for concurrence. Notification shall be by the attached form.

A. *Structural fill*: An engineered use of nontoxic spent foundry sand structural fills for the following: building or equipment supportive base or foundation, foundation backfill, construction material for road bases and subbase, overpasses, embankments, parking lots, dams, retaining walls, dikes, levees; as a construction fill material for planned commercial and residential projects including office parks, commercial plans, malls, industrial parks, institutions, subdivisions, apartments, duplexes, condominiums; as bedding and backfill material for sanitary sewer lines and other utility lines. Note that all above applications will be below final surface grade of the project when completed unless otherwise specifically approved by the Division.

B. *Mines/Strip mine projects*: Uses as fill in abandoned or closed mines or strip mine areas where the plans for which are approved by the Federal Office of Surface Mines and the TN Division of Water Pollution control as appropriate.

C. *Other uses*: The Director may approve other uses on an individual basis if they are consistent with this policy and protective of human health and the environment.

VII. Record Keeping Requirements

Each foundry subject to this policy must maintain the following records:

1. The amount of sand used;

2. The nature, purpose, and location of the projects;

3. Chemical analysis documenting the "nontoxic" nature of their sand (such analysis must be completed every two years or whenever process changes occur which may affect composition of the sand whichever is more frequent);

4. Any written approval/concurrence by DSWM where required for participation under this policy.

Signature on File _____ (4-22-96)
Tom Tiesler, Director (date)
Division of Solid Waste Management

TABLE I

(Revision 2)

Maximum concentration Limits for Nontoxic Foundry Sand

CONSTITUENT	TCLP LIMITS (see footnote) PPM	TOTAL LIMITS PPM
Barium	20.00	NA
Cadmium	.05	NA
Chromium	1.00	NA
Copper	13.00**	NA
Cyanide	2.00*	NA
Formaldehyde	NA	300.00
Lead	.50	NA
Mercury	.02	NA
Nickel	1.00	NA
Phenol	15.00	NA
Selenium	.50	NA

TCLP limits are generally 10 times D.W.S.

*Use modified TCLP extraction test, refer to Ohio policy D3987-85

**Copper is an MCLG in federal D.W.S.

NA = Not Applicable

Footnote: For the purposes of this policy, “nontoxic” means that the foundry sand is non-hazardous and contains chemical constituents in concentrations equal to or less than those outlined in Table I. The toxic constituents leaching procedure (TCLP) refers to the leaching procedure test as provided at RCRA 40 CFR 261.24. These TCLP limits in this policy are generally 10 times the drinking water standard.

ATTACHMENT I

Foundry Sand Beneficial Use Notification Form

GENERAL INFORMATION::

1. Name of Project _____
2. Entity Requesting Review: _____
3. Proposed Generator: _____
4. Proposed Use As: _____
5. Proposed Use Location (Enclose topographical map showing material placement boundaries. Include lowest elevation of material placement): _____
6. Name and address of property owner: _____
7. Amount of Nontoxic Spent Foundry Sand to be Used: _____

ENVIRONMENTAL CONSIDERATIONS:

1. Is the proposed use location subject to flooding? YES NO
   (Attach map indicating 100-year flood plains.)
2. Distance from proposed location to nearest surface water: _____
   (On the map, show any nearby perennial {blue line} streams, ponds, wetlands, etc.)
3. Describe runoff/silt control: _____
4. Indicate on the map approximate location of monitoring and/or potable water supply wells in the area.
5. What are the adjacent land uses? _____

   _____
6. Are you aware of any potential (attributable to this project) or existing public water supply or groundwater quality degradation in the area: YES NO
   Explain: _____

   _____
7. Indicate the area USGS soil type classification:_____

This signature shall constitute personal affirmation that all statements or assertions of fact made in this proposal are true and complete and shall be subject to applicable state laws for false or misleading statements.

_____	_____
Signature of Project Manger ___	Name of Property Owner
_____	_____
Company ___	Signature
_____	_____
Title ___	Date
_____	
Date __	

TENNESSEE DEPARTMENT OF EVIRONMENT AND CONSERVATION

Division of Solid Waste Management

FOSSIL FUEL FLY ASH AND BOTTOM ASH DISPOSAL WITHIN A CLASS II FACILITY

POLICY

The purpose of this policy is to establish the criteria by which fossil fuel fly and bottom ash may be disposed of in a Class II facility:

1. The geologic buffer required will be 3 feet in total thickness with a maximum hydraulic conductivity of 1×10^{-6} cm/sec. The thickness will be measured from the base of the fill to the seasonal high water table of the uppermost unconfined aquifer, or the top of the formation aquifer;

2. No leachate migration control system will be required;

3. No gas migration control system will be required;

4. The final cover shall be 24 inches of compacted soil with a minimum of 6 inches which shall support vegetative cover; and

5. No random inspection program will be required.

Any variance to the Class II facility permit criteria will require the Commissioner's approval.

_(Signature on File)_____ ___9-7-01_____
Mike Apple, Director Date
Division of Solid Waste Management

policy/notebook/pn093
Revision 1: September 2001

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: June 24, 1996

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Open Burning - Wood Waste

In accordance with T.C.A. 68-211-104(2) Tennessee Solid Waste Disposal Act "it shall be unlawful to burn solid waste except in a manner prescribed by the Department and the Tennessee Air Pollution Control Board".

T.C.A. 68-201-115(c) Tennessee Air Quality Act states:

> "The provisions of this part do not apply to emissions from any air contaminant source, as that term is defined in this part, which burns wood waste solely for the disposition of such wood waste."

Rule 1200-3-4-.02(j) of the Tennessee Air Pollution Control Regulations defines wood waste as:

> "any product which has not lost its basic character as wood such as bark, sawdust, chips and chemically untreated lumber whose 'disposition' by open burning is solely to get rid of or destroy."

Rule 1200-3-4-.04(1)(e) further states:

(1) Open burning, as listed below, may be conducted without permits, subject to specified limitations and provided that no public nuisance is or will be created by such open burning. This grant of exception shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.

(e) Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in T.C.A. 68-201-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

<u>CONCLUSION</u>

Open burning of solely natural wood waste as defined under the Tennessee Air Pollution Control Regulations is not within the statutory or regulatory purview of the Tennessee Department of Environment and Conservation. Persons inquiring as to this matter should be referred to the Tennessee Division of Air Pollution Control and other local authorities.

POLICY/notebook/94

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: June 26, 1996

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: DSWM Guidance for a Solid Waste Processing Facility for Waste Stabilization at Class I Landfill

A. **Design and Operating Criteria**

The following information or design criteria must be included in the Permit By Rule application:

1. Primary (mixing) vessel design.
   a. watertight construction
   b. covered (e.g. as a roof)
   c. meets safety standards for an open pit as applicable
   d. leak detection capability
   e. leak containment - such that any leaks are contained within the detection system, but not necessarily full secondary containment
   f. use of a flexible membrane liner must conform to Rule .04(4)

2. Characterization of bulking agents and pozzolanic agents
   a. description
   b. analytic data as applicable

3. Provisions for maintenance testing (leak testing)

4. Provisions for Containment of Washdown Water or Spills (may be within primary vessel)

5. Provisions for Management / Screening of Obnoxious (odorous) Wastestreams

6. Provisions for testing of wastes after processing

B. **Wastestream Approval** (Special Waste Approval)

The following minimum requirements for special waste approval must be incorporated into the Permit By Rule application:

1. Each wastestream (but not each shipment) must obtain a special waste approval which provides for disposal only in the associated Class I Landfill

2. The 50 mile limitation remains in effect for out-of-state wastestreams

3. The special waste application must include a description of those parameters which will be checked upon receipt of the wastestream

C. **Recordkeeping**

The following minimum recordkeeping requirements must be incorporated into the Permit By Rule application:

1. Each load must be accompanied by a certification that the load is not a RCRA hazardous waste (may be part of a special waste manifest or similar paperwork).

2. Records on the waste profile tests performed after receipt of the waste, but prior to treatment, must be kept.

3. Records on the treated waste (e.g. paint filter test) must be kept.

4. Records must be kept at the landfill facility or the processing facility or at another location approved by the Department.

POLICY/notebook/pn095

NOTICE

TO ALL FIELD OFFICES
AND
LANDFILL OPERATORS / OWNERS

SERVICE AREA CONDITIONS

The Tennessee Supreme Court rendered a decision in the case of Sanifill, Inc. vs. Tennessee Solid Waste Disposal Control Board on October 16, 1995. At issue was the Division of Solid Waste Management's use of service area conditions in permits for solid waste disposal at Class I landfills. The Court upheld a lower court ruling that such restrictions are not within the authority of the Solid Waste Act.

Our counsel has determined that service area conditions in all landfill permits are unenforceable. The division therefore considers such conditions to be null and void. New permits or permit modifications for Class I landfills will not contain service area conditions.

This ruling does not affect the authority of a Solid Waste Region to control the flow of solid waste as found in TCA 68-211-814.

You may contact the Division's Central Office at 615-532-0780 with questions or for further information on this matter.

POLICY/notebook/pn096

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: September 16, 1996

TO: Regulated Community, DSWM Personnel, Interested Parties

FROM: Tom Tiesler, Director, Division of Solid Waste Management

SUBJECT: Division of Solid Waste Management (DSWM)-Policy Statement Concerning Sampling Frequency for Ash Generated at Municipal Solid Waste-to-Energy (WTE) Facilities (Supersedes April 7, 1995 memo.)

The May 2, 1994 U.S. Supreme Court Decision on the City of Chicago v. Environmental Defense Fund dictated that the U.S. Environmental Protection Agency (EPA) remove the ash exemption which municipal WTE units had previously been under. The decision of the court was that the waste streams from municipal WTE facilities were "subject to regulation under Subtitle C". Therefore, municipal WTE ash became subject to the hazardous waste determination requirements under the provision of 40 CFR Part 261.

The DSWM is rescinding its earlier policy in which it had (by its April 7, 1995 memo) adopted the May 20, 1994 draft "Sampling and Analysis of Municipal Refuse Incineration Ash" published by EPA, which states in the introduction that the "sampling and testing described represents the minimum the Agency considers as being appropriate." This document was finalized by EPA in June 1995, and is EPA publication number EPA 530-R-95-036. This final guidance provides the states with flexibility to determine appropriate sampling frequency. With this flexibility the DSWM is establishing its new policy.

The DSWM is setting as its policy a sampling frequency / protocol which is believed to be protective of both human health and the environment without placing undue financial burdens on the regulated facilities. Tennessee is requiring an annual sampling to be performed per the June 1995 EPA final guidance document, "Sampling and Analysis of Municipal Refuse Incineration Ash".

In the event that the analytical results obtained from any sampling event fail the TCLP for the exhibition of any of the characteristics of a hazardous waste, then the sampling event frequency will revert to a minimum of quarterly sampling until the analytical levels are acceptable. Retesting is also recommended when the generator suspects the leachability of ash may have changed significantly.

The ash generated at municipal WTE facilities will be subject to regulation under the Tennessee Solid Waste Management Rules and Regulations if that ash passes the TCLP. The ash generated at municipal WTE facilities will be subject

to regulation under the Tennessee Hazardous Waste Management Rules and Regulations if that ash fails the TCLP. Additionally, if the fly ash and the bottom ash are managed as separate waste streams, the above protocol will apply to each waste stream.

The Tennessee Division of Solid Waste Management may revise this policy in response to changes in the EPA guidance document for municipal waste combustion ash, or in response to other significant developments related to municipal WTE ash and its management.

POLICY/notebook/pn097

State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

Date : July 29, 1997

To : Current holders of State of Tennessee Certified Landfill Operator certificates

From : Tom Tiesler, Director, Division of Solid Waste Management

Re : Expiration date for operator certification

Please note that an **expiration date** has been added to your enclosed certificate. The rules establishing the class 1 landfill operator certification program became effective July 6, 1997. Certification is valid for three years. Recertification requires the completion of 30 hours of Department approved training prior to the expiration date now shown on your certificate. **If you allow your certification to expire, you must pay the course fee, attend the course and pass the test to be recertified.**

Any questions regarding this subject may be addressed to either of two members of my staff: Doye Rowland at (615) 532-0327 or Norman Travis at (615) 532-0817. Thank you for your continued support of this program.

JTT/NT/e recert.doc

POLICY/notebook/99

State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

MEMORANDUM

DATE: June 17, 1996

TO: Frank Victory
SWM 5th FL

FROM: Joe Sanders

SUBJECT: Local Government Approval

PROFILL
JACKSON LAW

In 1989, the General Assembly enacted Tenn. Code Ann. § 68-211-701, *et seq*. ("Part 7" or "The Jackson Law"), which gives local governing bodies the legislative power to approve or disapprove of the construction of any "new" solid waste facility.

1. The Jackson Law applies to "new" landfills and "new" solid waste processing facilities.

2. The Jackson Law does not apply to landfills or solid waste processing facilities that existed on June 2, 1989. A "new" landfill or a "new" solid waste processing facility is one which did not exist on the date the Jackson bill became law (June 2, 1989). A landfill "exists", for purposes of the Jackson Law, once a tentative decision to issue a permit has been made by the Department.

3. If a facility is an existing facility (one that existed on June 2, 1989), the Jackson Law does not apply to expansion of that facility. A plain reading of the statute as well as legislative history supports the position that existing facilities are forever excluded from applicability of the Jackson Law.

4. The Jackson Law applies to modification of a "new" landfill that involves "new construction". However, the Jackson Law does not apply to a modification of a "new" landfill that does not involve "new construction". In the Sanifill, Marshall County, case the Department took the position that whenever a "new" landfill attempted to modify its permit, the Jackson Law applied. The court of appeals rejected this contention, but it indicated that the Jackson Law would be triggered if the modification involves "new construction". Thus, the Jackson Law should be applied to lateral expansions of fill areas of "new" landfills. Such modifications would clearly involve construction.

As amended in 1995, the Jackson Law requires approval from:

(1) the county legislative body in which the proposed landfill is located, if such new construction is located in an unincorporated area;

(2) both the county legislative body and the governing body of the municipality in which the proposed landfill is located, if such new construction is located in an incorporated area; or

(3) both the county legislative body of the county in which such proposed landfill is located and the governing body of any municipality which is located within one (1) mile of such proposed landfill.

These amendments had the effect of making the law apply to the then pending permit application of Profill.

Profill challenged the application of the amended Jackson Law on a number of constitutional grounds. They lost the war but the court did find one provision of the Jackson Law to be unconstitutional. As written, the Jackson Law did not apply to permits being sought by a local government. This did make sense if it is simply construed to mean that a county or city does not have to give itself approval. But the court was looking at it from the standpoint of say a city getting permission from a county, or one county seeking a permit in another county. In any event, the court ruled that this provision discriminated against private landfills. However, the court then applied the doctrine of elision to remove this provision from the law. So from now on, both public and private permit applicants must get the approval required under the Jackson Law if the city and /or county has opted into the law in the first place.

REGIONAL APPROVAL

Regional approval is not connected to the Jackson Law and should be viewed as an entirely separate requirement. The major difference is that our permitting process is not stopped while the applicant is getting regional approval but it is stopped while they are seeking approval under the Jackson Law. Pursuant to T.C.A. §68-211-814 (b)(1)(d), after a region's plan has been

approved, we cannot issue a final permit until the region has approved the application but we can proceed up to that point.

ZONING

Local zoning requirements do not stop our permitting process. We should; however, inform applicants that they must comply with local zoning.

Swmmo.doc

POLICY/notebook/pn100

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

OFFICE MEMO

DATE: December 15, 1997

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

RE: Division Policy On Reporting Requirements For Disclosure Of Unpermitted Disposal Sites

Numerous inquiries from environmental consultants, attorneys and facilities regarding reporting requirements for the State of Tennessee have prompted the need for policy clarification on this issue in order to insure consistent responses from DSWM staff. The following is a brief summary of the Department's position on reporting requirements according to Mr. Joe Sanders, Office of General Counsel:

1. It is illegal in the State of Tennessee to own/operate an unpermitted disposal site. The owners of an illegal facility can be subject to penalties up to $50,000.00 per day from the date of discovery. This means that soil and/or groundwater contamination that is discovered at an unpermitted site should be reported to the State on the basis that an illegal disposal exists at the site and if not reported, the owners/operators could be subject to substantial monetary penalties and possible enforcement action by the Division.

2. CERCLA has specific reporting requirements, and the State of Tennessee maintains that a facility has an obligation to report any disposal activities to the EPA, who in turn will report it to the State of Tennessee. The toll free number for facilities to report to the EPA is 1-800-424-8802.

In summary, the Division maintains that if the owners of a facility discover the existence of illegal disposal at their site, such disposal should be reported immediately.

POLICY/notebook/101

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: March 4, 1998
TO: Division Staff and Interested Parties
FROM: Tom Tiesler, Director Division of Solid Waste Management (DSWM)
SUBJECT: Criteria to Evaluate Landfill Operator's Recertification Training Hours

This memo will establish criteria to assess recertification credit for training hours obtained by landfill operators. The Solid Waste Act of 1991 requires the certification of class I landfill operators and their periodic recertification. Solid Waste Regulations, which became effective July 6, 1997, provide the following:

> **"All persons required to obtain certification must become recertified within three years by attending 30 hours of Department approved training** "

> **"Application for recertification must be accompanied by a $100 recertification fee."**

The Division will establish criteria to assess training hours for recertification credit. The following types of training will be accepted toward recertification:

(1) Landfill operator training course conducted by DSWM/UT CTAS/ UT CGT (30 hours of credit allowed);
(2) The Solid Waste Association of North America (SWANA) Manager of Landfill Operations Training Course (30 hours of credit allowed);
(3) On-site SWANA accredited training courses(up to 11 hours credit toward the required 30 hours allowed for classroom time spent for <u>both</u> instructor and operator student); and
(4) Other training submitted for evaluation, if the DSWM deems the training is pertinent for landfill operations (hours of credit will be limited to actual classroom time).

Regulations further provide:

> **"...The Department will maintain a list of approved training programs recognized by the Department."**

One may contact Norman Travis, with the Division at (615)532-0817, for up to date information about landfill operator certification programs (...e.g. SWANA or other state training programs) which will be recognized through reciprocity by Tennessee.

policy/notebook/pn103

DSWM/DSF REMEDIATION INITIATIVES AND SITE MANAGEMENT AGREEMENT
May 14, 1998

The Tennessee Department of Environment and Conservation has a public obligation to maintain a coordinated regulatory program for all regulated functions in the State and the standards by which programs are administered should be consistent. The Division of Solid Waste Management (DSWM) and the Division of Superfund (DSF) strive to achieve comparable levels of protection of human health, safety and the environment at sites.

This agreement is not intended to define the authority of either Division. Instead, it is to be utilized by the Divisions whenever oversight is needed at sites that could fall under the jurisdiction of either Division.

PURPOSE

The purpose of this agreement is to:

1) designate the appropriate Division to handle sites that are subject to the statutes of both Divisions, and to
2) promote consistency in site assessment and cleanup.

PRINCIPLES OF OPERATION

To the extent allowed by federal and state statutes, DSF and DSWM will strive to:

1) Achieve comparable levels of protection of human health and the environment when remedial and corrective actions are performed or overseen by the two Divisions.
2) Promote remedial and corrective actions at sites and facilities to levels which comply with CERCLA, RCRA, Part 1 and Part 2 of the Hazardous Waste Management Act (HWMA), the Solid Waste Management Act, the Clean Water Act, and the Clean Air Act.

The Divisions will pursue the following objectives:

1) Development of common soil standards or methodology for developing soil standards.
2) Development of consistent procedures for identification, investigation and remedial/corrective actions.
3) Apply consistent procedures to implement ground water classification rules and standards.

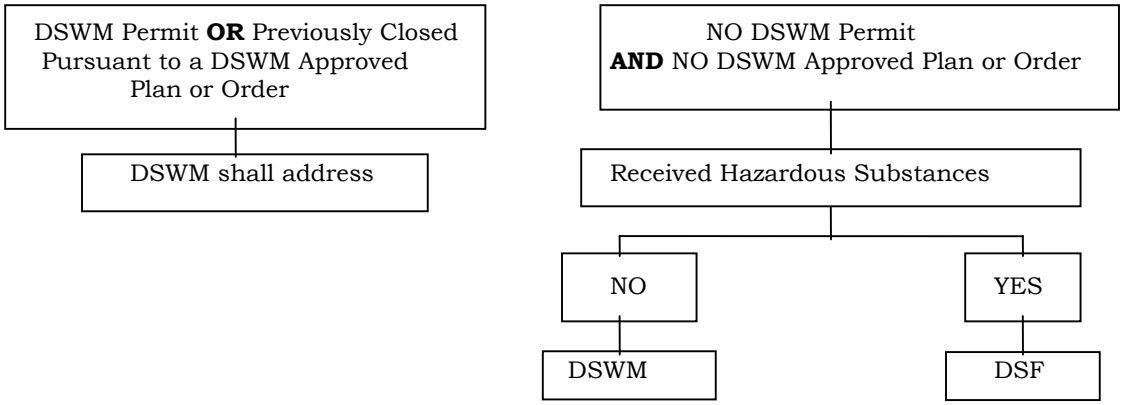
The Divisions will operate as follows:

1) The DSWM shall perform appropriate actions under the Solid Waste Management Act, Part 1 of the HWMA, and RCRA. The DSF shall perform appropriate actions under Part 2 of the HWMA and CERCLA.
2) Both Divisions shall strive to uniformly apply air, water, and soil standards.
3) Both Divisions shall maintain a current public record of sites or facilities being addressed. Files on said sites are public information and are accessible to other Division personnel, EPA, and the public by appointment during normal business hours.

DEFINITIONS

1. Facility means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment , storage, or disposal operational units.
2. For the purposes of this agreement, inactive means there is not any active disposal taking place at the site, area or unit regardless of whether there is an ongoing business at the facility or site.
3. Site means the areal extent of contamination and all areas in very close proximity to the contamination necessary for implementation of the remedial response.

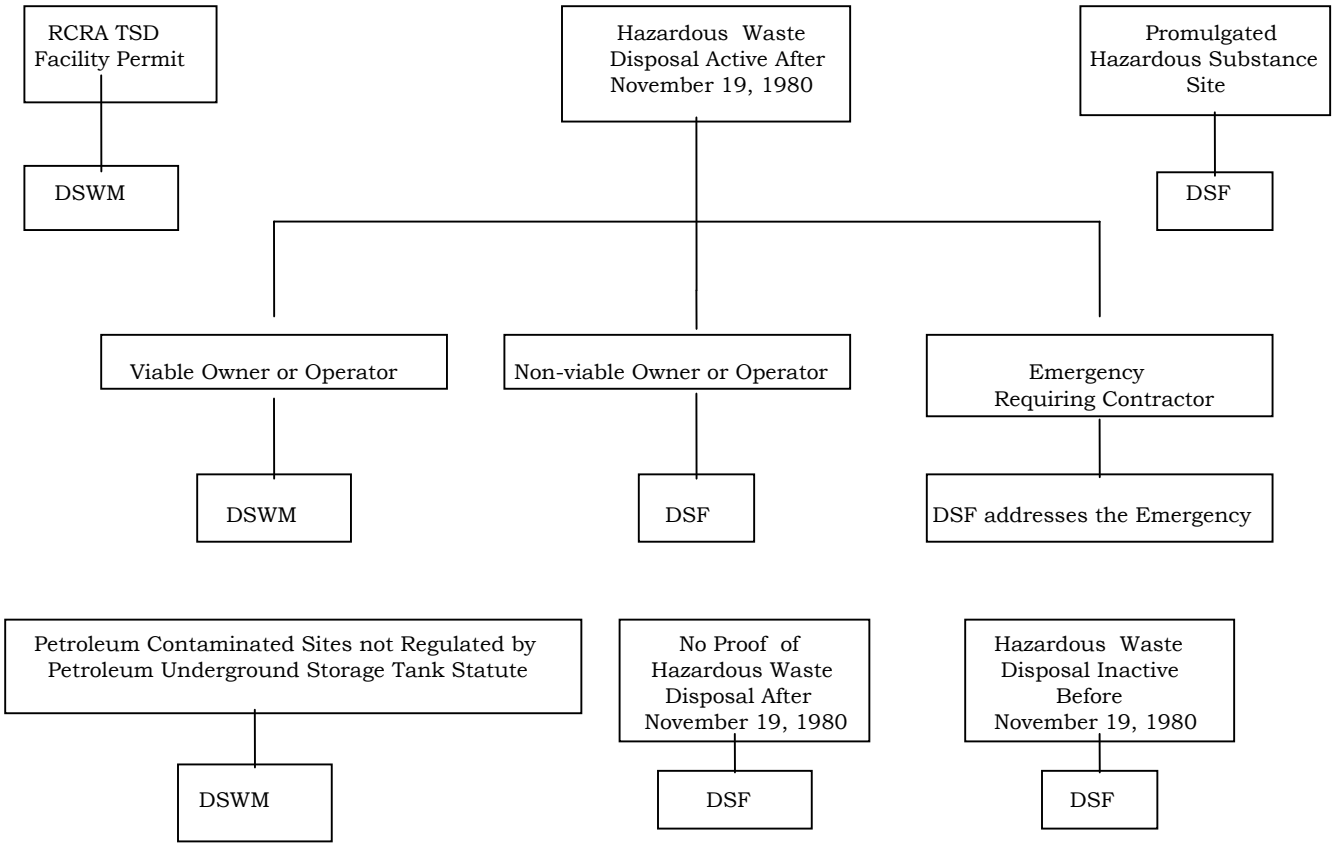
INACTIVE MUNICIPAL LANDFILL/DUMP PROCEDURE



The DSWM shall address an inactive municipal landfill or dump if either:
1) the municipal landfill or dump had a DSWM permit or was closed pursuant to a DSWM approved plan or order, **or**
2) the municipal landfill or dump had no DSWM permit and the landfill or dump received no hazardous substances except those from households, farms, or demolition activities.

The DSF shall address the inactive municipal landfill or dump if:
1) the inactive municipal landfill or dump was not permitted by DSWM
2) the inactive municipal landfill or dump was not closed pursuant to a DSWM approved plan or order **and**
3) the landfill or dump received hazardous substances from sources other than households, farms, or demolitionactivities.

DISPOSAL SITE PROCEDURE



The Division of Solid Waste Management shall address the following sites:

I. Where the hazardous waste disposal occurred at a RCRA permitted Treatment, Storage, and Disposal (TSD) Facility,
II. Where the hazardous waste disposal occurred after November 19, 1980, and
III. Petroleum contaminated sites not regulated under the Petroleum Underground Storage Tank statute.

The Division of Superfund shall address the following sites:

I. Inactive hazardous substance sites where the hazardous waste disposal occurred and ceased before November 19, 1980.
II. Inactive hazardous substance sites where there is no proof that hazardous waste disposal was taking place after November 19, 1980.
III. Sites which are promulgated as inactive hazardous substance sites under T.C.A. Section 68-212-201 et seq.

SPECIAL CASES: (Where allowed by the statutes, if there is a conflict between the above generalizations and the special cases, the special cases shall take precedence)

I. If either Division has issued an order or has initiated a regulatory action for investigation or remediation, said Division shall regulate the area through completion of the remediation process.

II. If either Division is participating in a Memorandum of Agreement or Memorandum of Understanding with the Federal Government concerning a site or facility, this agreement between the Division of Solid Waste Management and the Division of Superfund shall not affect said participation responsibility.

III. If USEPA has performed removal activities at a site under CERCLA, then the site shall be addressed by the Division of Superfund unless the removal activities were requested by the Division of Solid Waste Management.

IV. Any site promulgated to the USEPA National Priorities List (NPL) or proposed for promulgation shall be addressed by the Division of Superfund.

V. Drycleaner sites in the Drycleaner Environmental Response Program shall be addressed by the Division of Superfund.

VI. RCRA Treatment Storage Disposal (TSD) Permitted Facilities or facilities where the hazardous waste disposal occurred after November 19,1980 where:

A. the liable parties are bankrupt without financial assurance, or

B. no viable liable party under RCRA for corrective action can be found

the facility may be transferred from DSWM to DSF to effectuate cleanup upon agreement between the Division Directors.

VII. In the event of a multimedia investigation, the investigation team shall follow this agreement to assign the site.

VIII. At a site where neither Division has begun a regulatory action for investigation or remediation and both Divisions have statutory authority to address the site, parties who are willing and able to perform an investigation and cleanup may petition their Division of choice to oversee the site investigation and cleanup.

IX. The Commissioner or his designee may assign sites as deemed appropriate.

RCRA ENFORCEMENT AT DSF SITES

The DSWM may conduct a review process to identify RCRA violations which caused the contamination and may take enforcement action consistent with similar violations and circumstances. The DSF shall screen any sites that are proposed for the program which operated after November 19, 1980 to determine if potential RCRA violations have occurred. If so, this information will be turned over to the DSWM for possible enforcement action consistent with similar violations and circumstances. Further, if the willingness to cooperate of a liable party is considered in RCRA enforcement when oversighted by the DSWM, then parties oversighted by the DSF will be given the same consideration.

SITE SPECIFIC DETERMINATION

Nothing in this agreement prevents the Divisions from discussing specific sites and making site specific determination about which Division addresses the site. These agreements shall be made at the Division Director level. In the event a determination is not made at the Division Director level, then the Bureau of Environment Administrator will make the determination.

AGREEMENT REVIEW AND MODIFICATION

Technical and legal changes may require modification of these procedures. Therefore, the Division Directors will review this agreement as necessary. Changes to this agreement will be signed by both Division Directors and the Bureau of Environment Administrator.

AGREED to this date __5/21/98_____ and subject to change in writing upon assessment of the need.

_____Signature on File_____
Tom Tiesler, Director
Division of Solid Waste Management

___Signature on File_____
Jim Haynes, Director
Division of Superfund

_____Signature on File_____
John Leonard
Bureau of Environment Administrator

policy/notebook/pn104

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

OFFICE MEMO

DATE: August 4, 1998

TO: Field Office Managers

FROM: Tom Tiesler, Director, Division of Solid Waste Management

RE: Final Certification of Closure for Disposal Facilities and Facility Parcels

The purpose of this memorandum is to notify you that the approval of the final closure certification for a disposal facility or a disposal facility parcel is hereby delegated to the field office manager.

Rule 1200-1-7-.04(8)(c)9 states:

> The operator must notify the Division Director in writing within 60 days of his completion of closure of the disposal facility or disposal facility parcel. Such notification must include a certification by the operator that the disposal facility or disposal facility parcel has been closed in accordance with the approved closure/post closure care plan. Within 21 days of the receipt of such notice the Division Director shall inspect the facility to verify that closure has been completed and in accordance with the approved plan. Within 10 days of such verification, the Commissioner shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

Henceforth, approval of final closure certification can proceed from the Regional Environmental Assistance Center. An example of the closure certification letter is enclosed.

It should be noted, a copy of the same correspondence should be mailed to O. J. Wingfield so he can process the remaining financial assurance of the facility accordingly.

JTT/EA/mjs

Enclosure

cc: O. J. Wingfield, Financial Officer, Nashville Central Office

c:document/docs/finalcer.doc

POLICY/notebook/pn106

State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

■(**Date**)

■(**Name and Address**)

RE: Approval Of Closure Certification■(**Facility**)
■(**Facility ID Number**)

Dear ■(**Name**):

On ■(**Date of Receipt**), the Division of Solid Waste Management (DSWM), ■(**Regional Office**), received closure certification from the above referenced facility. Based on a review of the certification document and upon a facility inspection conducted on ■(**Date of Inspection**), verification of final closure for this facility ■(**or facility parcel**) has been determined to be complete and approval is hereby granted.

Pursuant to Tennessee Rule 1200-1-7-.03(3)(i)2, ■(**Facility**) is hereby notified that it is no longer required to maintain financial assurance for closure of the facility ■(**or facility parcel**). You will be sent separate correspondence regarding the release of your financial assurance.

Further, the thirty (30) year post closure care period for this facility parcel begins upon receipt of this approval letter. All post closure care activities outlined in Rule 1200-1-7-.04(8)(e) and all post closure care activities specified in the facility's approved Closure/ Post Closure Plan must be followed as required.

If you have questions, contact O. J. Wingfield at 615-532-0877 or the appropriate field office staff.

Sincerely,

■(**Field Office Manager Name**), Field Office Manager
Division of Solid Waste Management

JTT/DBM/mjs SWM/PER20
cc: O. J. Wingfield
SWM Central Office
■

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: December 1, 1998

TO: DWSM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

RE: Division Policy On Groundwater Classification Procedure at Petroleum Contaminated Sites

GROUNDWATER CLASSIFICATION PROCEDURE

These steps must be followed IN SEQUENCE to determine if the ground water at a site should be classified as either a "drinking water supply" or a "non drinking water supply". If at any point during the classification procedure the aquifer or water supply is classified as a drinking water supply, then no further steps shall be completed.

I. **First Step - Water Use Survey**

(1) Contact all adjacent property owners within a one-tenth (0.1) mile radius to determine the existence of any water use supplies.

(2) Perform a field survey within a one-quarter mile radius of the site to determine the existence of any water use supplies, and

(3) Perform a records search within a one-half mile radius of the site to determine the existence of any water use supplies.

If any aquifer or water source is being used by the citizens of the State, then the aquifer or water source shall be classified as a drinking water supply.

II. **Second Step -Analytical Sampling**

Determine if the impacted aquifer or water source meets the primary and secondary drinking water standards of rule 1200-5-1 by analyzing the water from a well which has not been impacted by petroleum contamination, if one exists. If an unaffected well does not exist, then the well with the lowest contamination shall be used. The sample shall be analyzed for iron and manganese only. If the analytical results indicate that the levels are below the established secondary standard for both parameters, a second sample shall be collected and analyzed for the remaining primary and secondary standards.

If the impacted aquifer or water source fails to meet any of the primary or secondary standards and is not a drinking water supply as determined in the water use survey, it may be classified as a "non-drinking water supply". However, failure of the aquifer or water source to meet the primary or secondary standards cannot be the result of petroleum contamination, unless naturally occurring. A list of the primary and secondary drinking water standards is found in Technical Guidance Document 002, in the Division of Underground Storage Tank's August 1996 Reference Handbook. An outline of these standards is below:

Primary Standards- (Parameters to Sample)

(1) Inorganic Chemicals
(2) Organic Chemicals
(3) Turbidity
(4) Microbiological (total coliforms, fecal coliforms, E. coli).
(5) Radionuclides

Secondary Standards

(1) Various parameters listed in Technical Guidance Document 002
(2) VOCs

III. **Third Step - Pump Test**

If the ground water meets the criteria of the primary and secondary Drinking Water Standards, then the yield of the aquifer or water supply shall be determined. A suitable pump test method shall be used to determine if the impacted aquifer or water source is capable of providing a yield of at least one-half gallon per minute. The monitoring well considered to have the highest yield shall be the first well pump tested. If the yield isn't one-half gallon per minute, then it is not considered a drinking water supply and may be classified as a non-drinking water supply.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: December 1, 1998

TO: DSWM Staff

FROM: Tom Tiesler, Director, Division of Solid Waste Management

RE: Division Policy on Appropriate Analytical Methods For Use At Petroleum Contaminated Sites

For investigations involving petroleum contaminated sites, the two primary types of analyses performed are BTEX (Benzene, Toluene, Ethylbenzene and Xylene) and TPH (total petroleum hydrocarbons). The following is an explanation of each test method and when each method shall be applicable to a contaminated site. Please see the attached table, Analytical Methods for Quantifying Petroleum Hydrocarbons, which will list acceptable analytical methods.

BTEX

This is a specific method for aromatic gasoline components, and one of the most important analytical methods for gasoline contaminated soils and groundwater since the aromatics are the most toxic contaminants. When analyzing for Total BTEX, the lab shall use Test Methods for Evaluating Solid Waste, commonly known as SW-846. The purge and trap procedures for the soil samples in Method 5030 shall be followed. The actual constituent analysis using gas chromatography with a photoionization detector shall follow Method 8020. The level of Total BTEX reported as the sum of Benzene, Toluene, Ortho-Xylene, Meta-Xylene, and Para-Xylene found in the sample as well as the concentration of the individual compounds must be reported. The practical quantitation limit for any individual constituent using this method is 0.002 ppm for low level soil samples. All results shall be reported in parts per million.

TPH (TOTAL PETROLEUM HYDROCARBONS)

The analysis for TPH involves two different methods, each dependent upon the type of hydrocarbon involved. A review of the type of petroleum stored at the site shall be performed to determine which analytical method or methods should be used for TPH analysis. The State Remediation Section, in order to assure consistent analytical methods, requires that samples from facilities with petroleum contamination be analyzed for TPH by the State of Tennessee's GRO (gasoline range organics) and/or EPH (extractable petroleum hydrocarbons) method. This method must be used by facilities when analyzing for petroleum contamination. (A copy of the complete methodology of the State of Tennessee's GRO analysis may be found in the Division of Underground Storage Tank's, August 1996 Reference Handbook. A description of the EPH method is available at http://www.state.tn.us/environment/ust/oil.htm.

1. GRO (Gasoline Range Organics Method)

   Used for analysis of hydrocarbon mixtures such as gasoline or other low boiling (volatile) hydrocarbons typically containing fewer than 12 carbons.

2. EPH (Extractable Petroleum Hydrocarbons by GC/FID)

   This method is used for analysis of samples for kerosene, diesel fuel, heating oil, motor oil, used oil, or any other hydrocarbon which traditionally contains alkanes with 12 or more carbons.

In those situations where the type of hydrocarbon stored is unknown, or both gasoline and diesel products were stored, the samples must be analyzed using both the GRO and EPH Methods with the results summed to determine the TPH level.

LEAD AND OTHER ADDITIVES

Using compounds such as tetramethyllead (TML) and tetraethyllead (TEL), lead was added to some gasolines to improve the octane number thus achieving maximum power output in an engine. Other hazardous compounds, including ethylene dichloride (EDC) and ethylene dibromide (EDB) were added as lead scavengers to prevent buildup of lead oxide deposits. Although leaded gasolines were phased out of most markets by 1989, if it is known or suspected that the contamination includes leaded gasoline, soil samples should be analyzed for EDC and EDB and possibly TEL. The State Laboratory can analyze for EDC and EDB under the same test method as for BTEX (Method 8260/5030), whereas analysis for TEL will require testing under Method 8240/5030.

Oxygenated compounds such as methanol, ethanol or methyl tertiarybutyl ether (MTBE) are sometimes added to gasoline as octane boosters to reduce carbon monoxide exhaust emissions. MTBE is volatile and very soluble in water and is useful through soil gas surveys as the first indication of a gasoline plume. Analysis for MTBE at the State Laboratory is done under Method 8260/5030.

ANALYTICAL METHODS FOR QUANTIFYING PETROLEUM HYDROCARBONS

ANALYSIS	METHOD (Soil and Groundwater)	WHEN APPROPRIATE
BTEX	8260 / 5030* 8020 / 5030	Gasoline contaminated sites Gasoline contaminated sites Gasoline contaminated sites
TPH	State of TN's Method for GRO State of TN's Method for EPH	Gasoline contaminated sites Diesel contaminated sites Gas and diesel contaminated sites Heavy oils (motor / used)
EDB, EDC	8260 / 5030* 504 (Drinking Water Standard)*	Gasoline (leaded) contaminated sites Gasoline (leaded) contaminated sites
TEL, TML	8240 / 5030 ASTM D3237	Gasoline (leaded) contaminated sites Gasoline (leaded) contaminated sites
MTBE	8260 / 5030*	Gasoline contaminated sites

* Designates test methods used by the State of Tennessee Environmental Laboratory

POLICY/notebook/pn108

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

Date: February 9, 1999

To: All EAC SWM Field Office Managers

From: Tom Tiesler, Director, Division of Solid Waste Management

Subject: Furniture Waste in Class III/IV Landfills

As discussed at the Field Office Managers meeting on January 27, 1999, and in order to provide continuity throughout the State, the following guidance should be followed for the disposal of furniture waste in Class III and Class IV landfills.

It is within the latitude, under Rule 1200-1-17-.01(3) (c) and (d), to interpret furniture waste falling within the scope of "wastes of similar characteristics" and, therefore, eligible for consideration for disposal in Class III and Class IV landfills. Each office should, however, evaluate the capability and appropriateness of each landfill for which the waste is intended. If it will not pose a management problem for the landfill, the Field Office Manager may approve, by letter, the furniture waste being disposed of in the Class III/ Class IV landfill.

It must be noted that the above approval must be restricted to furniture waste generated by households or institutions, not furniture waste or furniture type waste generated by a manufacturing process. It must also be noted that this approval cannot be extended to white goods or electronic goods (TVs, microwaves, computers, etc.). Also, an examination of the landfill's permit should be undertaken to determine if the disposal of this waste would violate any existing permit restrictions.

Concerns about the manageability of the waste such as spreading, compaction, and covering should be addressed in your approval letter. Unless there are circumstances which warrant exception, you should require a cover frequency of, at least, every 14 days.

POLICY/notebook/pn109

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

Date: March 18, 1999

To: All EAC SWM Field Office Managers

From: Tom Tiesler, Director, Division of Solid Waste Management

Subject: Delisted Waste in Class I Landfills

In order to prevent any confusion or inconsistencies by parties who either generate delisted hazardous waste or those who determine its disposal, the following policy shall be implemented effective April 15, 1999.

Beginning upon that date, this Division shall not issue a special waste approval letter for the disposal of delisted hazardous waste unless the proposed disposal site is a Class I landfill which is in compliance with Rule 1200-1-7-.04(4). Further, adequate documentation must also be submitted confirming the waste has been delisted.

By restricting this disposal to those Class I landfills, there will be greater assurance that the waste will be handled in an expeditious manner, placed within an approved, lined facility with leachate monitoring controls, and the appropriate closure/post-closure requirements will be in place.

You should contact any generators that you know are currently disposing of their waste in landfills which do not meet this condition and inform them of this policy.

The ultimate decision of whether or not to accept the waste will still, however, rest with the landfill operator.

policy/notebook/pn110

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

DATE: June 7th, 1999

TO: DSWM Staff

FROM: Mike Apple, Director, Division of Solid Waste Management

SUBJECT: Supplemental Policy for Subtitle D Landfilling of PCB bulk product wastes under the Toxic Substances Control Act (TSCA) – 40 CFR Part 761

*****Please note that this policy *augments* the existing policy dated*****
*****February 13, 1996, but *does* *not* *supersede* that policy.*****

Recent revisions to the federal TSCA regs make provisions for the disposal of certain non-liquid PCB bulk product wastes (a definition is included here as attachment 1) in Subtitle D solid waste landfills under specific conditions.

The appropriate portion of the TSCA regs, 40 CFR 761.62, breaks out PCB bulk product wastes into 2 separate groups. The first such group includes specifically listed materials plus non-listed materials which (when sampled in accordance with the protocols set forth at 40 CFR Part 761 Subpart 0) will leach PCBs at less than 10 micrograms per liter of water. The second group of PCB bulk product wastes includes all other materials meeting the definition of PCB bulk product wastes.

A) Specifically described PCB bulk products, and generic PCB bulk products which will leach PCBs at less than 10 micrograms per liter:

According to TSCA, the following non-liquid PCB bulk product wastes can be placed into a non-hazardous waste landfill:

1) Demolition wastes from buildings and other man-made structures which were manufactured, coated or serviced with PCB containing materials *(excluding demolition debris from buildings or man-made structures which have been contaminated by PCB spills which have not been adequately "cleaned up"),*

2) Fluorescent light *ballasts,*

3) Automobile and household appliance shredder fluff (provided that any PCB transformers have been removed prior to the shredding),

4) Plastics, such as wire or cable insulation, casings from radios, televisions or computers, and furniture laminates,

5) Preformed or molded rubber parts and components

6) Applied dried paints, varnishes, waxes or similar coatings and sealants,

7) Caulking,

8) Galbestos, and

9) Additional PCB bulk product wastes may be disposed of in a non-hazardous solid waste landfill if that waste is sampled in accordance with 40 CFR Part 761 Subpart 0 and it can be shown that the waste leaches PCBs at <10 micrograms per liter of water (using the TCLP protocol).

Any person disposing off-site of PCB bulk product waste regulated under the previous paragraph of this section at a waste management facility not having a commercial PCB storage or disposal approval must: 1) must apply for and receive written approval from the disposal facility for shipment of PCB bulk product wastes to that disposal facility, and 2) provide written notice of intention to ship PCB bulk product wastes to that facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The written notice shall state that the PCB bulk product waste may include components containing PCBs at >= 50 ppm based on analysis of the waste in the shipment or application of general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to- leach <1 0 micrograms per liter PCBs (using the TCLP protocol).

B) <u>Other PCB bulk products not included in Section A above</u>

Any person may dispose of PCB bulk product waste other than those described in the preceding section (such as paper or felt gaskets contaminated by liquid PCBs) in a facility that is permitted by this Division to manage municipal solid waste subject to 40 CFR Part 258 (Tennessee equivalent: Rule Chapter 1200-1-7), or facilities permitted, licensed or registered to manage non-municipal nonhazardous waste subject to 40 CFR 257.5 -.30 [which contain standards applicable to owners/operators of any non-municipal non-hazardous waste disposal unit that receives Conditionally Exempt Small Quantity Generator (CESQG) hazardous wastes], *provided that:*

1 The PCB bulk product waste is segregated from organic liquids disposed of in the landfill unit, and

2) Leachate is collected from the landfill unit and monitored for PCBs.

Any release of PCBs from the landfill (including, but not limited to leachate) must be cleaned up in accordance with 40 CFR 761.61 (included here as attachment 3).

Any person disposing off-site of PCB bulk product waste regulated under the requirements of this section at a waste management facility not having a commercial PCB storage or disposal approval must: 1) must apply for and receive written approval from the disposal facility for shipment of PCB bulk product wastes to that disposal facility, and 2) provide written notice of intention to ship PCB bulk product wastes to that facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream (as well as with each shipment thereafter). The written notice shall state that the PCB bulk product waste may include components containing PCBs at >= 50 ppm based on analysis of the waste in the shipment or application of

general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach <10 micrograms per liter PCBs (using-the TCLP protocol).

Recordkeeping requirements (applicable to wastes described under both Sections A and B above):

Any person disposing of PCB bulk product waste must maintain a written record of all sampling and analysis of PCBs or notifications made for 3 years from the date of the waste's generation, and must make these records available to the Division/EPA upon request.

Net Impact on Tennessee's Special Waste Approval Process:

In consideration of the above, the Division of Solid Waste Management will consider the disposal of materials meeting the definition of "PCB bulk product waste" and which satisfy the criteria described in Sections A and B of this document. This policy does not constitute a blanket, state-wide approval for PCB bulk product wastes: these materials are still fully subject to the Special Waste Approvals process on a case-by-case basis.

In evaluating a special waste request for PCB bulk product waste, DSWM representatives in the Environmental Assistance Centers should insure that appropriate waste handling and disposal techniques are incorporated into the special waste approval. For example, PCB bulk product waste should be managed in a manner which will not generate dust during handling/transport, and should be covered immediately to minimize the potential for surface water contamination.

Attachment 1:

40 CFR 761.3 of the Toxic Substance Control Act Regulations - Definitions:

PCB bulk product waste means waste derived from manufactured products containing PCBs in a non-liquid state, at any concentration at the time of designation for disposal was >= 50 ppm PCBs. PCB bulk product waste does not include PCBs or PCB Items regulated for disposal under Sec. 671.60(a) through (c) Sec. 762.61, Sec. 761.63, or Sec. 761.64. PCB bulk product waste includes, but is not limited to:

(1) Non-liquid bulk wastes or debris from the demolition of buildings and other man-made structures manufactured, coated, or serviced with PCBs. PCB bulk product waste does *not* include debris from the demolition of buildings or other man-made structures that is contaminated by spills from regulated PCBs which have not been disposed of, decontaminated, or otherwise cleaned up in accordance with subpart D of this part.

(2) PCB containing wastes from the shredding of automobiles, household appliances, or industrial appliances.

(3) Plastics (such as plastic insulation from wire or cable; radio, television and computer casings; vehicle parts; or furniture laminates),- preformed or molded rubber parts and components; applied dried paints, varnishes, waxes or other similar coatings or sealants-, caulking; adhesives; paper; Galbestos; sound deadening or other types of insulation; and felt or fabric products such as gaskets.

(4) Fluorescent light ballasts containing PCBs in the potting material.

PCB Item means any PCB Article Container, PCB Container, PCB Equipment, or or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

DATE: July 9, 1999

TO: DSWM Staff and Interested Persons

FROM: Mike Apple, Director
Division of Solid Waste Management

SUBJECT: Policy Statement -- Mercury-Containing Lamps

Effective July 19, 1999, mercury containing lamps are considered to be a hazardous waste in Tennessee under certain conditions. They will be regulated under Rule 1200-1-11-.12 Standards For Universal Waste Management. These lamps include, but are not limited to, fluorescent, high intensity discharge, neon, high pressure sodium, mercury vapor and metal halide lamps.

The following memos and Policy Statement regarding mercury containing lamps, ballasts, and transformers are all revoked effective July 19, 1999:

- Wayne Gregory's memo dated January 30, 1995 stating the opinion that used fluorescent lamps are characteristic by-products, not spent materials.
- Wayne Gregory's memo dated February 10, 1995 to Mimi Vreeland restating the same opinion as above;
- Tom Tiesler's memo dated June 6, 1996 regarding fluorescent lamps, ballasts and transformers;
- Tom Tiesler's Policy Statement dated September 10, 1996 referencing households and Conditionally Exempt Small Quantity Generators; and
- Tom Tiesler's clarification memo dated March 16, 1998 concerning the inclusion of High Intensity Discharge Lamps (HID) and the handling of ballasts and transformers.

Again, *all the above* policies/memos are <u>revoked</u> effective July 19, 1999.

The household hazardous waste exemption under Rule 1200-1-11-.02(1)(d)2(i) remains in effect. By policy, the Division has set out that households are also exempt from special waste requirements. Conditionally Exempt Small Quantity Generators (CESQG's) may continue to dispose of 15 or less fluorescent tubes per month in a Subtitle D Sanitary landfill. All others must send their bulbs for recycling, make a hazardous waste determination using the Toxicity Characteristic Leaching Procedure (TCLP) or have sufficient knowledge and information about the bulbs to prove they are not hazardous if they are destined for disposal, or actually handle them as a hazardous waste. If the lamps fail the TCLP, or exhibit any other characteristic, they are hazardous waste and are fully subject to regulations under Rule Chapter 1200-1-11. For generators of hazardous wastes, mercury-containing lamps regulated under Rule 1200-1-11-.12 Standards For Universal Waste Management do not require a waste stream notification and are not to be included in generator status calculations.

If the lamps do not exhibit a characteristic of hazardous waste and are not mixed with a listed hazardous waste, then they are not hazardous wastes. The disposal of this non-hazardous waste shall be in accordance with Tennessee Rule Chapter 1200-1-7, the Division's Solid Waste Regulations. They may still be subject to a "special waste approval" prior to actual disposal.

The Department of Environment and Conservation encourages everyone to recycle.

Ballasts and transformers are to be addressed in a separate policy memorandum.

JMA/GEI/bc-mrc-memo

policy/notebook/pn112

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

DATE: July 30, 1999

TO: DSWM Staff and Interested Persons

FROM: Mike Apple, Director
Division of Solid Waste Management

SUBJECT: Policy Statement -- Mercury-Containing Batteries and PCB Containing Ballasts and Transformers

Effective July 19, 1999, mercury-containing lamps are considered to be a hazardous waste in Tennessee under certain conditions and are now regulated under Rule 1200-1-11-.12 Standards For Universal Waste Management. As a result of this action, a revised policy statement dated July 9, 1999 regarding these lamps was issued and the following five (5) memos and policy statements, which included the three topics of this memo, were revoked effective July 19, 1999:

- Wayne Gregory's memo dated January 30, 1995 stating the opinion that used fluorescent lamps are characteristic by-products, not spent materials.
- Wayne Gregory's memo dated February 10, 1995 to Mimi Vreeland restating the same opinion as above;
- Tom Tiesler's memo dated June 6, 1996 regarding fluorescent lamps, ballasts and transformers;
- Tom Tiesler's Policy Statement dated September 10, 1996 referencing households and Conditionally Exempt Small Quantity Generators; and
- Tom Tiesler's clarification memo dated March 16, 1998 concerning the inclusion of High Intensity Discharge Lamps (HID) and the handling of ballasts and transformers.

Again, <u>all</u> the above policies/memos were <u>revoked</u> effective July 19, 1999.

The household hazardous waste exemption under Rule 1200-1-11-.02(1)(d)2(i) remains in effect. By Division policy, households are also exempt from special waste requirements.

<u>PCB-Containing Ballasts and Transformers</u>

Tennessee Rule 1200-1-11-.02(l)(h) and 40 CFR 261.8 state that PCB wastes regulated under the Toxic Substance Control Act (TSCA) and 40 CFR Part 761 are hazardous wastes only because they exhibit the Toxicity Characteristic and are exempt from regulation under Tennessee Hazardous Waste Rules. To qualify for this exemption, the generator or owner or operator must be able to demonstrate that generation, accumulation, transportation, and destruction/disposal of the PCB containing wastes are **<u>fully</u>**

controlled/regulated by TSCA. The Tennessee Solid Waste Program (non-hazardous) does not permit the disposal of PCB's of 50 ppm or greater in a Subtitle D Sanitary Landfill (excluding PCB bulk product wastes). PCB's of 50 ppm or greater are regulated under TSCA by the Environmental Protection Agency (EPA).

In Tennessee, for the latest information regarding certain types of PCB disposal in Subtitle D landfills, please contact:

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
L & C Tower, 5th Floor
401 Church Street
Nashville, TN 37243-1535

(615) 532-0780

For additional information or assistance from EPA Region 4, please contact:

United States Environmental Protection Agency
Region 4, Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Main Phone Numbers:
(404) 562-9900
1-800-241-1754
FAX (404) 562-8174

Mercury Containing-Batteries

Certain mercury-containing batteries may be disposed in a Subtitle D landfill with a composite liner and leachate collection system. Facilities (households or conditionally exempt small quantity generators) which generate 15 or less of these batteries per month may dispose of them in such a manner. Facilities which generate more than 15 per month shall properly package and store them until they have accumulated enough to ship to a recycling facility, hazardous waste management facility, or may pursue special waste approval through the Division of Solid Waste Management.

JMA/GEI/bc-pcb-mem
policy/notebook/pn113

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

DIVISION OF SOLID WASTE MANAGEMENT

AND THE

DIVISION OF WATER POLLUTION CONTROL

THIS MEMORANDUM OF UNDERSTANDING is entered into between the Division of Solid Waste Management (DSWM) and the Division of Water Pollution Control (DWPC) under, and in accordance with, the authority of the Tennessee Solid Waste Act, Tennessee Code Annotated §§ 68-31-101 et seq. (1986); Resource Conservation and Recovery Act, Subtitle D, as amended (1984); the Tennessee Water Quality Control Act of 1977, Tennessee Code Annotated §§ 69-3-101 et seq. (Cum. Supp. 1983); and the Water Quality Act of 1987 (P.L. 100-4).

PURPOSE

Under Federal authority several significant amendments have been made to the Clean Water Act. One of these amendments pertained to sewage sludge (Section 405(d)). The overall intent of these amendments is to have municipal wastewater treatment plant sludge controlled by regulations promulgated under the authority of the Water Quality Act, specifically with respect to 40 CFR Part 503, Subparts B and C. In keeping with this national concept, the State of Tennessee, Department of Environment and Conservation is clarifying responsibilities for municipal wastewater sludge handling and disposal from DSWM to DWPC.

DEFINITIONS

"COMMISSIONER" – The Commissioner of the Tennessee Department Environment and Conservation or his authorized representative.

"DOMESTIC WASTEWATER" – Wastewater of the type commonly introduced into a treatment works by residential users.

"MUNICIPALITY" – A city, town, county, district, association or other public body (including an intermunicipal agency of two or more of the foregoing entities) created under State law having jurisdiction over treatment of domestic wastewater, or any other entity defined as such by the Commissioner.

"LAND APPLICATION" means the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can *either condition the soil or fertilize crops or vegetation* grown in the soil.

"MUNICIPAL SLUDGE" means any solid, semi-solid, or liquid waste generated from a treatment works treating domestic sewage, exclusive of the treated effluent from that facility.

"SEWAGE SLUDGE UNIT" is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. "Land" does not include waters of the State of Tennessee, as defined in Tennessee Water Quality Control Act.

"SLUDGE" means any solid, semi-solid, or liquid waste (i.e., biosolids) generated from a commercial, municipal, industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"SURFACE DISPOSAL SITE" is an area of land that contains one or more active sewage sludge units. An active sewage sludge unit is a sewage sludge unit that has not closed.

ELEMENTS OF UNDERSTANDING

There is mutual understanding between the Division of Solid Waste Management (DSWM) and the Division of Water Pollution Control (DWPC) on the following:

1. DSWM will continue to process applications for special waste approvals for all Wastewater Treatment Sludges being shipped to Class I municipal solid waste landfills.

2. DSWM will continue processing permit applications for all composting operations utilizing municipal wastewater treatment sludge as an ingredient in the composting process.

3. DWPC will handle all aspects of land application of sludge originating at treatment works treating domestic sewage as described at 40 CFR Part 503.

4. DWPC will be responsible for surface disposal facilities. Upon request, DSWM will evaluate and report to DWPC concerning the adequacy of the facility design, site geology, groundwater and methane monitoring systems at treatment works treating domestic sewage sludge surface disposal units which are not land application sites. This includes, but may not be limited to sludge monofills, surface impoundments, lagoons, waste piles, and sludge disposal in trenches and area fills.

EFFECTIVE DATE: February 15, 2000

Signature on File
Paul Davis, Director
Division of Water Pollution Control

Signature on File
Mike Apple, Director
Division of Solid Waste Management

APPROVED:

Signature on File
John Leonard
Assistant Commissioner for Environment

policy/notebook/pn114

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

Date: September 1, 2000

To: DSWM Staff and Interested Parties

From: Mike Apple, Director

Subject: Management and Disposal of Lead-Based Paint Debris

The EPA is currently involved in writing regulations for lead-based paint (LBP) debris which would allow for the disposal of LBP debris in construction and demolition (C & D) landfills. EPA analysis results found disposal in C & D landfills to be protective of human health and the environment. Until these regulations become final rules, the Division of Solid Waste Management proposes the following guidelines for the management and disposal of LBP debris. This policy may change as EPA develops current regulatory changes for LBP debris disposal.

LBP debris is any component, fixture, or portion of a residence or other building coated wholly or partly with LBP. LBP debris can also be any solid material coated wholly or partly with LBP resulting from a demolition. If the paint is adhered to the debris surface, we do not require that the paint be sanded, scraped, blasted, or otherwise mechanically removed to be tested for lead. The debris may go to a Class I, II (depending permit conditions), III, or IV disposal facility. If the volume of waste makes it bulky or difficult to manage, the generator should get special waste approval.

If the LBP has been sanded or chipped off, a determination should be made for hazardous lead concentrations. LBP dust and chips should be handled properly prior to disposal to avoid health risks to the public.

LBP removal performed in the home can be treated and disposed of as solid waste under the household hazardous waste exclusion.

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Reviewing Ground Water Monitoring Reports For Solid Waste Landfills
POLICY

Objective:

1) Implement a Ground Water Report Review Checklist for use by solid waste facilities and geologists, whose primary duties involve groundwater compliance review for Solid Waste Landfills.

2) Integrate pertinent data from the checklist to a Ground Water Summary Spreadsheet covering all facilities with a ground water monitoring program at each Environmental Assistant Center (EAC).

Use of the Checklist:

The Division is adopting the use of the attached Ground Water Report Review Checklist to help facilitate consistent report review, ensure that important items are not overlooked, and maintain an ongoing quick reference to the history of ground water monitoring at a given facility.

Any observed problems (checked items) may easily be followed by the cited regulation on the checklist.

The EAC Geologist should evaluate each ground water sampling report submitted to their office with the Ground Water Report Review Checklist. Completed copies of the review should be forwarded to the Central Office and the appropriate facility.

Use of the Ground Water Summary Spreadsheet

The Division is adopting the use of the attached Ground Water Summary Spreadsheet, which will provide information from the checklist pertinent to the ground water monitoring program for all facilities at each EAC.

The EAC Geologist should submit the Ground Water Summary Spreadsheet semi-annually (July 1 & January 1).

The information gained from the spreadsheet will be used by the Central Office to write a summary report reflecting overall ground water conditions at solid waste landfills throughout the State. The summary report should be written and available semi-annually.

_____[Signature on File]_____ _____04/07/2003___
Mike Apple, Director Date
Division of Solid Waste Management

Policy/notebook/pn116
Original: April 2003

GROUND WATER REPORT REVIEW CHECKLIST

Facility Name: _____ ID #: _____

( ) Class I ( ) Class II ( ) Class III ( ) Class IV Status: ( ) OPEN ( ) CLOSED

Type Monitoring: ( ) Detection ( ) Assessment

Date Sampled: _____ Date Last Sampled: _____ Expected Date Next Sampling: _____

Current Sampling Interval: ( ) Semi-annual ( ) Quarterly ( ) Other: _____

Parameters: ( ) Appendix I: ( ) Appendix II ( ) Others: _____

Wells: Upgrade: _____ Downgrade: _____ Other Points _____

Sampled with (pumps, bailers, dedicated/portable, etc?): _____

Report Written By (Company/Author): _____

Date Received: _____ Date(s) Reviewed: _____

Code	REPORT ADDRESSES	Yes	No	COMMENTS
7100	Report submitted within 60 days of sampling event? 1200—1—7—.04(7)(a)4.(viii)			
7120	Report indicates that sampling has been done in accordance with facility's approved monitoring plan1200—1—7—.04(7)(a)5.(i)			Date of approved version: Amendments/revisions:
7130	Analytical Results Provided 1200—1—7—.04(7)(a)4.(viii)			Field Parameters: Lab Analysis: Summary Spreadsheets Included:
7140	Leachate Analyzed 1200—1—7—.04(4)(a)8.(ii)			Date of Analysis:
7150	Copies of Field Data Sheets/Record 1200—1—7—.02(4)(a)9.(iii) 1200—1—7—.04(7)(a)5.(I)			Sampling Personnel: Employed by: Place sampled: Sampling Date(s) and Time(s) recorded: Others/Observers present:
7160	Copies of laboratory reports 1200—1—7—.02(4)(a)9.(iii)			Laboratory: Analysis dates: Personnel performing analysis: Correct analytical methods & equipment:
7170	Chain of Custody forms 1200—1—7—.04(7)(a)4.(i) II and IV			Holding times adhered to: Sample preservation and transport appropriate:
7180	Ground Water Elevations 1200—1—7—.04(7)(a)4.(ii) 1200—1—7—.04(7)(a)5.(ii)(III) 1200—1—7—.02(4)(a)9.(ii)			
7190	Flow direction and rate information 1200—1—7—.04(7)(a)4.(ii)			Method used:
7200	Statistical evaluation of analytical data 1200—1—7—.04(7)(a)4.(v)			Method used:
7210	Statistically significant increase over background indicated 1200—1—7—.04(7)(a)5.(iii)			14 Day notification done: Assessment program est. w/in 90 days: Other source demonstrated:

(Continued On Reverse)

GROUND WATER SAMPLING EVENT REPORT REVIEW

FACILITY _____

SAMPLING EVENT DATE(S) _____

Code	REPORT ADDRESSES	Yes	No	COMMENTS
7220	Inorganics exceed the MCLs or GW protection std 1200—1—7—.04(7)(a)1. And .04(7)(b, c, or d) as appropriate			Parameter(s)/MCL or standard (Well/Concentration):
7230	VOC's present in the ground water analysis 1200—1—7—.04(7)(a)4(viii)			Parameter(s) (Well/Concentration):
7240	VOC's (if present) exceed MCLs or GW protection std 1200—1—7—.04(7)(a)1. And .04(7)(b, c, or d) as appropriate			Parameter(s)/MCL or standard (Well/Concentration):
7250	Facility has a statistically significant exceedance of 1 or more parameter? 1200—1—7—.04(7)(a)4(viii) and (ix) 1200—1—7—.04(7)(a)5(iii)			Parameter(s) (Well/Concentration):

GENERAL COMMENTS

Condition of wells, equipment malfunction, weather, "dry" wells, problems encountered, – Reviewer's general notes or questions based on evaluation of this report, etc.

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Reviewed by: _____ Signature: _____Date: _____

SAMPLE

GROUND WATER SUMMARY
SPREADSHEET

Columbia "Class I" Facilities

SITE ID #	Active	Name	Frequency	Monitoring Status	Sample Date	Violation Code(s)	Contaminant(s)
SNL591020238	**O**	Cedar Ridge Landfill	Semiannual	Detection	11/13/2002		
SNL501020221	C	Lawrenceburg/County Landfill	Semiannual	Detection	12/14/2002		
SNL021020101	**O**	Quail Hollow Landfill	Semiannual	Detection	11/14/2002		
SNL261020204	C	Franklin County Landfill	Semiannual	Detection	9/7/2002	7220	Cadmium
SNL281020204	C	Pulaski City Landfill	Semiannual	**Assessment**	8/13/2002	7220, 7230, 7240, 7250	Multiple Volatiles
SNL511020076	C	Hohenwald City Landfill	Semiannual	Detection	9/11/2002		
SNL521020169	C	Fayetteville/Linclon Co. Landfill	**Quarterly**	**Assessment**	10/31/2002	7220, 7230, 7240, 7250	Multiple Volatiles
SNL601020060	C	Maury County Landfill	Semiannual	**Assessment**	10/1/2002	7220, 7230, 7240, 7250	Chloride, Multiple metals, & Benzene
SNL681020104	C	Perry County Landfill	Semiannual	Detection	8/22/2002		
SNL411020033	C	Hickman County Landfill	Semiannual	Detection	10/30/2002	7220, 7250	Mercury

Columbia "Class II" Facilities

IDL281020059	**O**	Magetteaux Ind. Landfill	Semiannual	Detection	11/14/2002		
IDL501020060	**O**	UCAR Lawrenceburg Landfill	Semiannual	Detection	8/8/2002		
IDL511020037	**O**	Boston/Dana Ind. Landfill	Semiannual	Detection	11/15/2002		
IDL601020017	**O**	Solutia Ind. Landfill	Semiannual	Detection	9/18/2002		
IDL601020030	C	Monsanto Landfill	Semiannual	Detection	9/18/2002		
IDL601020032	C	Associated Commodities Landfill	Semiannual	**Assessment**	12/12/2002	7220, 7250	Chloride, Barium, & Aluminum
IDL601020047	**O**	UCAR Columbia Landfill	Semiannual	Detection	8/9/2002		
IDL601020055	**O**	Occidental Ind. Landfill	Semiannual	Detection	10/16/2002		
IDL601020089	**O**	Rhodia Ind. Landfill	Semiannual	Detection	11/15/2002		

Columbia "Class III & IV" Facilities

DML601020029	**O**	Maury County Demo Landfill	Semiannual	Detection	10/1/2002		

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Emergency Debris Disposal

POLICY

Background

Occasionally the Division of Solid Waste Management (DSWM) must respond to the aftermath of natural disasters (tornadoes, floods, etc.) that leave large amounts of debris in their wake. What was once a house, office complex, warehouse, or other structure has been reduced to rubble. We are then asked to determine how to properly dispose of this waste. This policy is to help guide staff in responding to that question.

Natural disaster debris may include a variety of waste items that would individually have very different disposal criteria. Because of this fact, the disposal of emergency debris is not easily categorized into "neat" disposal scenarios. Disposal may be a combination of actions by Environmental Assistance Center personnel, Central Office Staff, and the DSWM Director. This policy will address several possible scenarios for emergency debris disposal that may be utilized (separately or in combination) in the aftermath of a natural disaster. These are:

1. The open burning of approved wastes as allowed by the Division of Air Pollution Control (DAPC) Guidance;
2. On-site disposal of debris; and
3. Off-site disposal.

Burning of Waste

The DAPC Guidance procedures have allowed open burning of certain storm debris (mostly wood debris) at both on-site and off-site (i.e. centralized) locations. Open burning guidelines encourage the separation and segregation of all materials that cannot be identified as "wood" or "wood waste" related debris generated by the disaster and subsequent cleanup activities. The guidance is designed to prevent the intentional open burning of otherwise prohibited materials such as "tires, asphalt singles, vinyl siding, garbage and similar materials." The selection of open burning for disposal should be considered if local, city, municipal or county fire department requirements are met as well as the State Forestry burning regulations and requirements. The burning location should be carefully selected and the burning process managed with reasonable care to minimize the environmental impact on the local population. The DSWM has sometimes been asked to evaluate the burn site for possible impacts related to ground water. Affected parties and cleanup authorities should contact the DAPC and/or any other relevant controlling authority for in-depth procedures.

On-Site Disposal

DSWM rules 1200-1-7-.02(1)(b)3(v) and (vi) allow for the disposal of landscaping and land clearing wastes as well as construction/demolition wastes on the site of generation provided that the fill area is less than one acre in size.

While it may not have been the intent, within the definition of "construction/demolition waste" (at rule 1200-1-7-.01(2)), to include building debris generated by natural disasters, the rules do not prevent us from doing so. There may be certain items found in this debris that are not normally found in construction/demolition waste. Therefore, every effort should be made to segregate and exclude certain waste streams. Items such as white goods (refrigerators, freezers, etc.) CRT's (computer monitors, TV's, etc) and brown goods (other electronics), must be separated out and disposed of at an appropriate disposal facility or recycled. Please note that on-site disposal areas greater than 1-acre require review and approval from the Director.

Off Site Disposal

If at all possible, emergency debris waste should be directed to a permitted landfill. Sometimes, because of the volume of waste, the use of a permitted landfill is not a viable disposal option. In this case, the owner (or authorized representative) of the proposed disposal area may submit a written request to the DSWM Director requesting permission to receive and dispose of the debris.

Permitting

There have been occasions when permits have been issued following the establishment of an off-site emergency debris disposal facility. In these instances, the decision to issue a permit was determined by the size of the disposal area and the length of time the disposal activities took place. The decision to permit these disposal sites was made prior to the actual disposal action.

Signature on File	(4-7-03)
Mike Apple, Director	Date
Division of Solid Waste Management	

policy/notebook/pn117
Original: June 2004

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Blanket Special Waste Approval for Disposal of Non-Regulated Asbestos Waste

POLICY

Purpose

This policy establishes the requirements for disposal of non-regulated asbestos containing materials (ACM), often called non-friable asbestos. Since certain non-friable asbestos may become friable during demolition or renovation, the Division of Air Pollution Control (DAPC) must make the determination of whether or not a given ACM is a regulated material.

Background

This section is background information only and should not be used to make a regulatory determination on ACM as that determination is made by the DAPC. The most common source of ACM received at landfills is from demolition and renovation activities. ACM can broadly be placed in two categories, friable and non-friable. Friable ACM is any material containing more than 1 percent asbestos as determined using polarized light microscopy, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Non-friable ACM may be Category I or Category II. Category I includes materials such as asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products. Category I ACM rarely becomes friable. All other non-friable ACM are considered Category II non-friable ACM. Category II non-friable ACM is any other material that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. An example of Category II non-friable ACM is asbestos cement.

Under the Division of Air Pollution Control regulations, regulated asbestos containing material is defined as follows:

1. Friable ACM;

2. Category I non-friable ACM that has become friable;

3. Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abraiding; or,

4. Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of the demolition or renovation operations regulated by rule 1200-3-11-.02.

Blanket Special Waste Approval

Non-friable ACM that has been determined to be non-regulated ACM by the DAPC may be disposed at either a Class I, Class III, or Class IV landfill under a blanket special waste approval.

The blanket special waste approval does not require a written approval subject to the following conditions:

1. The generator/transporter must notify the landfill that non-regulated ACM is being delivered and the generator must be able to document that the waste is non-regulated ACM;

2. Non-friable ACM must be handled in a manner that does not create visible emissions; and

3. The non-friable ACM should be covered and compacted with one foot of other waste or soil as soon as possible, but at least by the end of the day.

_[Signature on File]_____ _09/15/04_____
Mike Apple, Director Date
Division of Solid Waste Management

Special Waste Approval SOP
Original: September 2004

pn118

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Wood Wastes From Chromated Copper Arsenate (CCA) Treated Wood

POLICY

Chromated Copper Arsenate (CCA) has been used as a preservative in treated wood for many years as a replacement for creosote. There are certain industries in Tennessee that use CCA treated wood in their manufacturing process. As a result, some of these industries generate large quantities of wood waste such as waste lumber, end cuts, and sawdust. For example, in East Tennessee an industry uses this wood in the production of outdoor furniture and generates approximately 600 tons/year of wood wastes.

This office has received documentation indicating sawdust from CCA contaminated wood waste may release chromium and arsenic levels that would cause the waste to be considered a characteristic hazardous waste, if not for the exemption found at rule 1200-1-11-.02(1)(d)2(iv).

The Division has, therefore, concluded that wood waste from affected industries should be considered a special waste and must be disposed of in a permitted Subtitle D Class I disposal facility. The wood waste is to be incorporated immediately into the working face at the landfill and may not be stored at the landfill. CCA wood wastes may not be used outside of the working face such as for a roadbed or similar use. The Division also recommends that loads of CCA sawdust be covered during transport to the landfill. By policy, the Division is granting an industry-wide special waste approval for these industries. The requirements for waste evaluation, special waste fees, and annual recertification are hereby waived.

It should be emphasized that the special waste designation only applies to CCA treated wood wastes generated as an industrial waste (Industrial waste as defined at rule 1200-1-7-.01(2)). This policy does not apply to homeowners or commercial/retail businesses such as hardware stores and construction sites.

__[Signature on File]_____ __11/7/01_____
Mike Apple, Director Date
Division of Solid Waste Management

Special Waste Approval SOP: November 2001

pn119

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Landfill Operators Certification Fees

POLICY

Purpose

This policy establishes the procedures and responsibilities within the Division of Solid Waste Management (SWM) regarding the landfill operators' certification fees and its relationship with the Division of Fiscal Services (DFS) that collects these fees.

Background

The landfill operators certification training program was initiated through the enactment of the Solid Waste Management Act of 1991. TCA 68-211-853 sets forth the statutory objective of establishing by rule a program for the certification of Class I landfill operators. The statute imposes a fee for the operator training and certification program. As authorized by state statute, the Division of Solid Waste Management (SWM) promulgated Rule 1200-1-7-.12, which established procedures and requirements for those required to receive training and certification and sets forth specific fees. From 1996 through 2004, the department utilized the contractual services of the UT County Technical Assistance Service (UT-CTAS) to perform the overall administrative functions, facilitate the annual landfill operators training classes, and collect the training and certification fees. As of January 2005, SWM is responsible for all these functions with the exception of fee collection. The Fee Collection Section within the Division of Fiscal Services performs the fee collection responsibility.

Definition of Terms

"Certification" means a certificate of completion issued by the department upon attending the LOCT class, passing the landfill operators examination, and payment of the required fee.

"DFS" means the Division of Fiscal Services.

"FTC" means the Fleming Training Center located in Murfreesboro, Tennessee.

"LOCT" means the landfill operators certification training program, which includes the training classes and examination in order for operators to be certified.

"Operator" means the person or persons applying for or holding a permit, or who are otherwise responsible for the operation of a facility. [Rule 1200-1-7-.01(2) Definitions]

"Recertification" applies to an operator who has been certified and chooses to recertify by obtaining thirty (30) hours of department-approved training within a three (3) year period.

"SWANA" means the Solid Waste Association of North America.

"SWM" means the Division of Solid Waste Management.

Landfill Operators Certification Fees

1: Issue LOCT Registration **Responsible Entity: SWM**

SWM prepares a registration brochure that announces the training class, examination, and certification. This occurs annually except for every third year beginning in 2006, when SWM holds two LOCT classes (in the spring and fall). The registration brochure is developed by SWM and mailed to all landfill owners and operators. The brochure identifies the training location, dates, and times; the fees that will be charged for the training and certification; and a pre-registration form (application), which requires submittal of the fee to the department. SWM works with DFS to assure the fee payments are submitted to DFS in the appropriate format.

2: Submit Registration Forms **Responsible Entity: Operators**

Upon receipt of the registration brochure, the landfill owners and operators complete the pre-registration form and submit the form along with the fee to the Division of Fiscal Services. The following is the fee schedule for the LOCT program:

Full Certification*	$400.00
Recertification*	$100.00
LOCT: First Day (5 hours)**	$50.00
LOCT: Second Day (7 hours)**	$70.00
LOCT: Third Day (7 hours)**	$70.00
LOCT: All Three Days (19 hours)**	$175.00

*Certification and recertification fees set by Rule 1200-1-7-.12(1)(c)9.

**Landfill operators have the option to audit the LOCT class in order to receive credit hours toward their 30 hours for recertification.

Depending upon the number of days that the landfill operator plans to attend for recertification purposes, the landfill operator is to pay the appropriate fee based on the fee schedule by submitting their pre-registration form and payment to DFS.

3: Receive Fees for LOCT **Responsible Entity: DFS**

DFS receives the pre-registration form and fee (based on the fee schedule under Item 2 above) from each eligible landfill owner or operator. DFS deposits the fees in the Solid Waste Management Fund under the agency revenue source code ["LOT"]. DFS develops and provides a list of names along with the amount of payments received from landfill owners and operators every two weeks (beginning March 1st of each year) to SWM. SWM will maintain and update the LOCT database based on the fee information from DFS.

4: Conduct LOCT Class **Responsible Entity: SWM**

SWM staff develop and conduct the LOCT class and examination. Additional instructors may be used from outside organizations (their expenses may be paid by the department).

5: Collect LOCT On-site Fees **Responsible Entity: FTC**

For those landfill operators who do not pre-register, the department is to determine the appropriate fee based on the fee schedule (refer to Item 2 above) and have them pay for either full certification (if the operator plans to attend the entire LOCT class sessions and take the examination) or the number of days that the landfill operator plans to attend to obtain training credit hours. The Fleming Training Center (FTC) collects the appropriate fee amount from each landfill operator for the LOCT class sessions that they attend. FTC staff is to record and secure the fee payment.

6: Deposit LOCT On-site Fees **Responsible Entity: FTC**

The Fleming Training Center (FTC) will handle the depositing of the fees collected from those landfill operators that have not pre-registered. FTC deposits the fees in the Solid Waste Management Fund under the agency revenue source code ["LOT"]. In addition, SWM will make sure that these landfill operators' names along with the amount of payments received are provided to DFS in order to verify the information being processed by FTC. SWM will maintain and update the LOCT database.

7: Issue Certificates **Responsible Entity: SWM**

Based on the LOCT database and confirmation of payment by DFS, SWM will issue a certificate of completion to the appropriate landfill owner and operator. The certification will not be issued until the appropriate fee has been collected and verified by DFS. The certificates are to be signed by the SWM Division Director.

8: Issue Recertification **Responsible Entity: SWM**

When a landfill operator receives thirty (30) hours of department approved training within a three (3) year period, SWM notifies DFS that the operator is to pay the recertification fee of $100.00. At least thirty (30) days prior to the expiration date of the operator's certificate, DFS issues a notice to the operator requesting payment of the $100.00 recertification fee. Upon receipt of the recertification fee, DFS will add the operator's name to the list of landfill owners and operators and provide this list to SWM. SWM will maintain and update the LOCT database. SWM will issue a new certificate to the landfill operator based on notification by DFS of payment of the recertification fee.

9: Issue Certificates for SWANA Certified Operators **Responsible Entity: SWM**

Based on the LOCT database, SWM reviews the listing of landfill operators that have received certifications from SWANA. At least thirty (30) days prior to the expiration date of the operator's SWANA certificate, SWM issues a notice to the operator to verify the expiration date and request a copy of the operator's most recent SWANA certification. A Tennessee certification fee is not required for a SWANA certified operator. Upon receipt of a copy of the operator's SWANA certificate, SWM will issue a State of Tennessee certificate to the SWANA certified operator. SWM will maintain and update the LOCT database with the new expiration date based on the operator's SWANA certificate. The department has a reciprocity agreement with SWANA in accordance with Rule 1200-1-7-.12(1)(c)8.

_[Signature on File]_____ _01/05/05_____

Mike Apple, Director **Date**

Division of Solid Waste Management

policy/notebook/pm120

Original: January 2005

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Disposal of Demolition Debris Generated as a Result of the Cleanup of Clandestine Methamphetamine Labs

POLICY

Purpose

This policy establishes the requirements for disposal only of demolition debris generated as a result of cleanup actions of clandestine methamphetamine labs (CML). The chemicals used in the illegal manufacturing of these drugs are sent to authorized RCRA Hazardous Waste facilities by the cleanup contractor and are not addressed under this policy.

Background

CML cleanups may involve the demolition of buildings used as living spaces or out buildings, as well as, the disposal of contaminated equipment and furnishings. The debris generated from these cleanups may include such items as carpeting, wallboard, wood, curtains, furniture, fixtures, clothing, and white goods that have been contaminated with volatile organic compounds (VOC), lead, mercury, iodine, phosphorous, acids and caustics. Sharps (e.g. hypodermic needles) may also be present in carpets, bedding and furniture. Limited amounts of asbestos containing material (ACM) and lead based paint debris may be present in some disposals.

Blanket Special Waste Approval

Given the nature of the contaminated material, the Division hereby grants a blanket special waste approval for demolition debris from CML cleanups to be disposed of at municipal solid waste Class I facilities with the following conditions:

1. The disposal facility must be notified prior to disposal that the debris was generated from the cleanup of a CML; and

2. All asbestos containing material, lead-based paint debris, and medical waste must be disposed according to DSWM policy guidelines.

Site Specific Special Waste Approval

Certain large CML cleanups that require TDEC oversight and/or involve the sampling and excavation of contaminated soil may require an individual special waste approval.

_(Signature on File)_____ __03/30/05__
Mike Apple, Director Date
Division of Solid Waste Management

Special Waste Approval SOP
Original: March 2005

policy/notebook/pn121

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Permit By Rule Status For Recycling Facilities
POLICY

Purpose:

The purpose of this policy is to assist the Division of Solid Waste Management staff in determining whether or not a given recycling facility requires a permit by rule. It will present the criteria and the rationale used by DSWM to distinguish between the two types of recycling facilities in the permit-by-rule determination.

Definitions:

TCA 68-211-103 defines *solid waste processing* as follows: "Solid waste processing means any process that modifies the characteristics or properties of solid waste, including, but not limited to, treatment, incineration, composting, separation, grinding, shredding, and volume reduction, provided, that it does not include the grinding or shredding of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch or other useful products."

TCA 68-211-802 defines *recovered materials* as follows: "Recovered materials means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation processing. Such recovered materials are not solid waste."

TCA 68-211-802 defines *recovered materials processing facility* as follows: "Recovered materials processing facility means a facility engaged solely in the storage, processing and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility."

Background:

In practice, the Division has required a permit for recycling operations that are defined as *solid waste processing facilities*, but has not required a permit for those recycling operations that can be defined as *recovered materials processing facilities*.

The key to making a distinction between the two types of recycling operations is the material being processed or handled. A facility handling a material that is clearly a waste (e.g. garbage, ash, contaminated soil, wastewaters) is required to get a permit-by-rule.

Facilities handling materials that have been source separated from the waste stream fall within the definition of "recovered material processing facility." Simply separating a waste from the waste stream, however, does not automatically place a facility into that category. The Division must consider if the recovered material has a market value. Facilities having recovered materials of market value and a recycling infrastructure in place will be considered recovered material processing facilities. Some of these materials may include cardboard, glass, paper, and many types of metal.

If the value of a recovered material is marginal or if the recovery process results in a large stockpile of material, the Division may require a permit-by-rule. An advantage of this approach is that fees may be waived if a facility demonstrates that 75% of materials are recycled each year. A drawback is that the operation then becomes subject to the Jackson Law in a county that has adopted that statute.

Summary/Conclusion:

The following guidelines may be used to determine the requirement for a permit-by-rule.

1. The facility will not be required to obtain a permit-by-rule, if all of the following apply:

(a) there is minimal processing (washing, baling) before shipment to an end user or manufacturer;

(b) the waste is pre-sorted before arriving at a facility;

(c) there is a viable market that is being utilized; and

(d) there is no speculative accumulation.

2. If wastes are sorted after arriving at the facility, this is considered to be "solid waste processing" and a permit-by-rule is required. If, however, 75% of the total incoming waste is shipped off-site to a valid recycling facility, no annual maintenance fee is due. The facility must keep and submit records on an annual basis to claim this exemption (see rule 1200-1-7-.07(1)(b)4).

3. If a facility receives both sorted and unsorted wastes, and sorting occurs for the unsorted wastes, a "processing facility" permit-by-rule is required.

The following are examples of processing facilities with recycling that ***require*** a permit-by-rule:

1. Facilities that receive household waste (garbage), process it (i.e. screen, separate, grind, etc.) to remove metal, paper, etc., and then transport off-site the remaining waste for disposal, are required to have a permit-by-rule.

2. Facilities that process scrap tires are required to have a permit-by-rule. The Division has always considered scrap tires to be a waste because the cost to manage them is far greater than their market value. Requiring a permit-by-rule for these facilities has two advantages. First, it minimizes any potential environmental problems through routine inspections, and secondly, it insures sufficient financial assurance funds are available to properly close the facility. Because markets and end uses can change over time, this determination could be modified at a later date.

The following are examples of processing facilities with recycling that ***do not require*** a permit-by-rule:

1. Facilities that collect pre-sorted aluminum cans and then bale them for shipment to a secondary aluminum smelter. The aluminum cans are a "*recovered material"* and the baling operation is a "*recovered materials processing facility."*

2. Facilities that collect used or discarded electronics for recycling do not require a permit-by-rule. There are a small number of these facilities that are in current operation. Some of the electronic devices are repaired for reuse. Others are salvaged for their usable components. The remaining devices are shredded to recycle plastics, metals, and glass. As in the used tire example, the Division may find it necessary to begin requiring these facilities to obtain a permit-by-rule.

__(Signature on File)_____ ___03/30/05____

Mike Apple, Director **Date**
Division of Solid Waste Management

policy/notebook/pn122
Original: March 2005

Tennessee Department of Environment and Conservation

Division of Solid Waste Management

Civil Engineering Applications Acceptable for Reimbursement as a Beneficial End Use of Waste (Scrap) Tires

POLICY

Purpose

This document is a statement of policy designed to describe civil engineering applications that are deemed appropriate by the Division of Solid Waste Management (SWM) for reimbursement through the solid waste assistance grant program as a beneficial end use of waste (scrap) tires generated in Tennessee, in accordance with T.C.A. 68-211-867(b)(5). This policy does not mandate the use of products or materials resulting from waste (scrap) tires.

Background

A beneficial end use of waste (scrap) tires in civil engineering applications is defined as the use of tires to serve as a replacement for another material, after it is processed so as to lose its identity as a solid waste or as a tire by providing a sound environmental or engineering advantage, or by the material becoming a value-added product that is returned to commerce. In other words, civil engineering applications should not be used just to bury waste (scrap) tires. Further, a civil engineering application is the use of waste (scrap) tires in place of some conventional construction material such as clean fill, aggregate and rock. A beneficial end use shall not result in unacceptable damage to the environment or public health and safety. Approved beneficial end uses shall be in general conformity with "ASTM Standard Practice for Use of Scrap Tires in Civil Engineering Applications" (D 6270-98).

Civil engineering markets are continuing to gain wider acceptance with leading applications being drainage layers for landfills, lightweight fill, and aggregate for septic tank leach fields. For these civil engineering applications, waste (scrap) tires are processed into tire derived aggregate (TDA). The beneficial properties of TDA include lightweight, high permeability, ability to attenuate vibrations, and good thermal insulating properties.

Applications Qualified for Reimbursement

In all civil engineering applications using tire chips or shreds:

1. All tire chips or shreds shall have the bead wire removed;
2. Tire chips or shreds shall have less than 1% (by weight) of metal fragments, which are not at least partially encased in rubber;

3. Tire chips or shreds should generally be unattached to one another by wires; and
4. All tire chips or shreds shall be free of all flammable contaminants, including wood fragments, wood chips, any other fibrous organic matter, or the remains of tires that have been subjected to a fire.

Specific Civil Engineering Applications Eligible for Reimbursement

I. *Class I Landfill Construction and Closure*

A. The underdrain layer beneath the liner.

B. Pipe trenches associated with the leachate collection/recirculation system, landfill gas collection system, and ground water control system.

C. The leachate drainage and operations layers above the liner (but not as alternate cover material).

D. The drainage layer in the final cover design.

These applications shall have the prior approval of the Division of Solid Waste Management. Further, these applications do not preclude the Division of Solid Waste Management from applying additional or stricter standards to the actual installation. The Division of Solid Waste Management will consider the landfill operator or the party purchasing the tire chips or shreds from the processor to be the end user.

II. *Public Works Construction Projects*

The Division of Solid Waste Management will approve for grant eligibility the beneficial end use of waste (scrap) tires in the construction of paved roads, bridge approaches, levees etc.:

A. Backfill material for embankments, retaining walls, and bridge abutments.

B. Subgrade base beneath roads (including, but not limited to road bed base material) and subgrade insulation for roads.

C. Subgrade lightweight fill in public parking lots.

D. Rubber-modified asphalt after the tires have been processed into crumb rubber.

Additional public works construction projects using waste (scrap) tires in civil engineering applications include the following:

A. Molded rubber products including, but not limited to dock bumpers, crash barriers, etc.

B. Covering material for playground surfaces.

C. Soil amendments for athletic fields and golf courses.

Depending on the specific beneficial use proposed under public works construction projects, authorization may be requires by local governmental offices (including, but not limited to building codes, zoning, health) prior to start-up and installation.

The Division of Solid Waste Management will consider the construction contractor or the party purchasing the tire chips from the processor to be the end user. Further, the use of waste (scrap) tires as general fill is not included in the above uses nor allowed.

III. *Drainfield Aggregate*

The Division of Solid Waste Management will approve for grant eligibility as a beneficial end use of waste (scrap) tires the application of tire chips in the construction of subsurface sewage disposal systems and ground water/surface water diversion systems, i.e. French drains, for subgrade building foundations under the following conditions:

1. The substitution of tire chips for conventional drainfield aggregate has the prior approval of the local or state government agency having jurisdiction over installation of such systems;

2. The tire chips are sold by the processor to an installer/home construction contractor, or to a company that stockpiles the material for the purpose of selling it to installers/home construction contractors;

3. The tire chips delivered to the end user are to meet the specifications of the local or state government agency having jurisdiction over installation of such systems; and

4. Any layers of 100% tire chips or shreds shall not exceed 3 meters (117 inches) in thickness.

The Division of Solid Waste Management will consider the installer/home construction contractor or the party purchasing the chips from the processor to be the end user. Further, the use of waste (scrap) tires as general fill is not included in the above uses nor allowed.

<u>Appropriateness of ASTM Standard Practice for Use of Scrap Tires in Civil Engineering Applications</u>

ASTM Standard Practice for Use of Scrap Tires in Civil Engineering Applications (D 6270-98) describes several uses that are contained in this policy. Further, the ASTM D 6270-98 should be utilized when proposing any of the civil engineering applications as

identified in this policy. As pointed out in ASTM D 6270-98, it is the responsibility of the design engineer to determine the appropriateness of using waste (scrap) tires in a particular application and to select applicable tests and specifications to facilitate construction and environmental protection. A copy of the ASTM Standard Practice (D 6270-98) is available at the ASTM web site:

http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore

[Note: Must pay to download/view a copy of the ASTM specifications.]

Approval by the Division of Solid Waste Management

As noted in the above policy, the Division of Solid Waste Management must approve the application prior to grant eligibility. In addition, anyone proposing a civil engineering application should consult with the Division of Solid Waste Management's Field Office staff in order to review the proposal. Further, these applications do not preclude the Division of Solid Waste Management from applying additional or stricter standards to the actual installation.

[Signature on File]	_08/01/05___
Mike Apple, Director	Date
Division of Solid Waste Management	

policy/notebook/pn123
Revised: July 2005

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Ground Water Monitoring Guidance For Solid Waste Landfill Units

POLICY

Rule 1200-1-7-.04(7) provides the standards/requirements for the ground water monitoring of solid waste landfill (SWLF) units. This document provides regulatory guidance to the Division of Solid Waste Management (DSWM) staff and owners/operators (O/O) of permitted SWLF units regarding the ground water (GW) monitoring requirements. Additional technical guidance is provided in the 1993 EPA publication (EPA530-R-93-017) titled Solid Waste Disposal Facility Criteria found at web site http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/techman/index.htm. The requirements for the GW detection monitoring system and general sampling, analysis, and recordkeeping requirements are addressed in Sections I and II, followed by discussions of the GW detection, assessment, and quality assessment monitoring programs in Sections III, IV, and V. Section VI describes when and how off-site drinking water sources are to be included in the assessment efforts. Attachment One consists of a flowchart which summarizes the different steps for GW monitoring and assessment programs as described in Sections III through VI below. (Note: Appendices I and II referenced in this document are found in Rule 1200-1-7-.04.)

I. Groundwater Monitoring System

The detection GW monitoring system specifications for SWLF units are provided in Rule 1200-1-7-.04(7)(a)3 and are established during the permitting process for new SWLFs. SWLFs that were in existence on the effective date of the new regulatory requirements were required to upgrade their existing system to achieve compliance. SWLFs must have a ground water monitoring system consisting of a sufficient number of wells and/or springs, with not less than 1 upgradient and 2 downgradient monitoring points, unless other monitoring points and locations are otherwise approved by the DSWM. The actual number and placement of wells will be dependent on site-specific factors, including footprint size and physical layout, etc. Well installations must be at appropriate locations and depths, to yield ground water samples from the uppermost aquifer that:

1. Represent the quality of background ground water that has not been affected by leakage from the facility; and

2. Represent the quality of ground water passing the compliance boundary hydraulically downgradient (i.e., based on static head differences) from the waste disposal area.

All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be fitted with a screened interval, with inert gravel or sand packed around the screen as necessary to enable collection of ground water samples at depths where appropriate flow zones exist. The annular space (i.e., the space between the bore hole and the well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and/or the contamination of groundwater, and to prevent the loss of the volatile gases.

II. Sampling, Analysis, and Recordkeeping Requirements

The sampling, analysis, and recordkeeping requirements located in Rule 1200-1-7-.04(7)(a)4 apply to all GW monitoring programs under the regulations as described in this document.

1. GW monitoring programs must include consistent sampling and analytical procedures designed to ensure accurate monitoring results representative of actual ground water quality at all monitored points in the approved GW monitoring system.

(a) At a minimum, the program must include procedures and techniques for:

(i) Sample collection;

(ii) Sample preservation and shipment;

(iii) Analytical procedures;

(iv) Chain of custody control; and

(v) Quality assurance and quality control.

(b) GW monitoring programs must include appropriate sampling and analytical methods, which accurately measure hazardous constituents and other monitoring parameters in ground water samples. Except as may be specifically otherwise approved by the DSWM, appropriate methods from EPA SW-846 shall be used to analyze all samples. The detection limits shall be the lowest practical quantitation limits that can be reliably achieved within specified limits of precision and accuracy and shall be at least four times below all established groundwater protection standards. (Note: Ground water samples shall not be field-filtered prior to laboratory analysis, unless both filtered and unfiltered samples are collected and analyzed.)

2. GW elevations must be measured (to the nearest 0.01 foot) in each monitoring well prior to purging for every sampling event. The GW elevations shall be measured in all monitoring points whether or not a well will be sampled unless other-wised approved by the DSWM. The elevation for the top of the casing of all monitoring wells and all other monitoring points shall be established to Mean Sea Level (MSL). The O/O must determine the rate and direction of ground water flow each time ground water is sampled. GW elevations in wells monitoring the same waste management area must be measured in a period of time short enough to avoid temporal variations in ground water flow that could preclude accurate determination of ground water flow rate and direction. Normally the measurements are made within a 24-hour period.

3. The O/O must establish background ground water quality in one or more hydraulically up-gradient well(s) and other monitoring points (wells and springs) for each of the monitoring parameters/constituents of the approved ground water program for the affected SWLF unit. Rule 1200-1-7-.04(7)(a)5(ii)(II) requires a minimum of four independent samples be collected from each monitoring well and analyzed for the constituents contained in Appendix I of this Rule, or those in the alternative list approved under Rule 1200-1-7-.04(7)(a)5(i)(I) or (II), prior to or during the first semi-annual sampling event period. Ideally, these four independent samples (from each monitoring point) will be collected and analyzed at three month intervals (to enable seasonal variations to be included) prior to the initial semi-annual sampling event; however, at a minimum, each of the four independent samples (from each monitoring point) must be collected and analyzed at approximately two month intervals throughout the six month long semi-annual sampling event, after the initial background sampling event. <u>Unless the O/O can prove that the up-gradient GW quality has been impacted by another source, the background levels for organics, and any other constituents that do not naturally occur, shall be non-detect for use in all GW Monitoring data evaluations.</u>

4. The O/O must select and report in the GW Detection Monitoring Program document (Section III below) a statistical method to be used in evaluating ground water monitoring data. The number of samples collected to establish ground water quality data must be consistent with the appropriate statistical procedures determined pursuant to Rule 1200-1-7-.04(7)(a)4(v). If the O/O desires to utilize an alternative statistical method he must request a variance under Rule 1200-1-7-.04(7)4(vi) and receive approval from the DSWM prior to utilizing the alternative statistical

method. (Note: If waste was placed in the SWLF unit prior to establishment of background concentrations under Item II.3 above, resulting in the possibility that the downgradient wells have been affected, then the O/O **cannot** use any method that relies on intra-well comparisons.)

5. The O/O must keep records of all ground water sampling activities conducted, all analytical results obtained, and all associated ground water surface elevation measurements throughout the active life of the facility and throughout the post-closure care period as well. Such records must be kept at the facility or at some other location within Tennessee as specified in the permit.

6. The O/O must determine whether or not there has been a statistically significant increase over background values (and groundwater protection standards when the facility is in assessment) for each parameter or constituent, as required in the appropriate monitoring program for the SWLF, as dictated in the regulations and permit, and as described in this document. Comparison must be made of subsequent sample analytical results to background concentrations or values established using the selected statistical procedure, which will at least meet the general performance standard of assuring with a reasonable degree of confidence that the migration of waste constituents from the facility into or through the uppermost aquifer at the compliance monitoring boundary will be detected. (Note: If waste was placed in the SWLF unit prior to establishment of background concentrations resulting in the possibility that the downgradient wells have been affected, then the O/O **cannot** use any method that relies on intra-well comparisons.)

7. All ground water sampling and analysis results, statistical determinations, and associated recordings of ground water surface elevations must be submitted to the DSWM within sixty (60) days following the last day of the sampling event. To facilitate handling and evaluation of this data, the Commissioner may, in the permit, specify the manner and form in which the data must be reported as authorized in Rule 1200-1-7-.04(7)(a)4(viii). All GW monitoring reports shall at a minimum provide the following:

   (a) A description of the sampling procedures performed (including field measurements of pH, conductivity, temperature, turbidity, etc.; and calculations/measurements of purge volumes), the date(s) and time(s) of field efforts (including field instrument calibration and decontamination), and the weather conditions at the site when the efforts were performed. Much of this information may be reported in field data forms for each monitoring point. The sampling shall be conducted in accordance with procedures established in an approved Detection Monitoring or GW Quality Assessment Program.

   (b) The MSL elevation of the top of the casing for each monitoring well, the location and the GW surface elevations for each monitoring point (wells, springs, etc.), and the GW flow direction and rate.

   (c) On a to-scale map of the facility, the locations of all monitoring points, the MSL potentiometric surface determined from water level measurements collected during the event, the property boundaries, and active and closed fill areas.

   (d) A list of the monitoring parameters and the methods used to analyze the samples.

   (e) Copies of the chain of custody forms and the laboratory report sheets. (Analytical data shall also be on computer disk.)

   (f) Tables with, for each monitoring point, the results of the most recent sampling event, background GW quality concentrations established under Item II.3 above, and GW protection standards established under Item IV.1.(c) below for all parameters/constituents.

   (g) The statistical method used that is established in accordance with Item II.4 above.

   (h) The results of the statistical evaluation to determine whether or not there has been a statistically significant increase over background values (and GW protection standards when the facility is in assessment) for all parameters/constituents monitored.

(i) For SWLF that are in assessment, on a to-scale map of the facility, the location of each monitoring point and the concentrations of the parameters/constituents that were found to be statistically over background values and GW protection standards at the monitoring point.

(j) For SWLF that are submitting a report under the GW Quality Assessment Program under Item V. below, a description of the rate and extent of migration of waste or waste constituents in the GW. In addition to the information required in Item II.6.(i) above, the to-scale map(s) must show the extent of contamination for all parameters/constituents that are above the groundwater protection standards.

(k) Conclusion section that summarizes the results of the GW sampling event, notes anything unusual, and provides the appropriate sampling/analyses determinations (based on the appropriate GW monitoring program) and the approximate start date for the next planned sampling event.

(l) The certification described in Item II.8 below.

8. All plans, programs, and reports must be certified by a person representing the O/O as described in Rule 1200-1-7-.02(2)(a)7, 8 and 10.

III. Detection Monitoring Program

Detection Monitoring Program requirements are found in Rule 1200-1-7-.04(7)(a)5 and are established during the permitting process for new SWLFs.

1. The program must be described in a document titled "Ground Water Detection Monitoring Program Plan" and made part of the permit. The Ground Water Detection Monitoring Program Plan must be submitted for approval by the DSWM. Normally this occurs during the permitting process. The O/O cannot make modifications to the approved Ground Water Detection Monitoring Program Plan without making a written request to, and receiving written approval from, the DSWM. The Ground Water Detection Monitoring Program Plan must describe the following:

(a) For each monitoring point, the detection monitoring parameters for which the ground water sample will be analyzed and the analytical method to be utilized. (Note: The parameters will be those set forth in Appendix I unless DSWM has approved in writing a request to delete any of the Appendix I parameters and/or establish an alternative list of inorganic indicator parameters in accordance with Rule 1200-1-7-04(7)(a)5 (I) and (II).)

(b) Each of the monitoring points (wells and springs) in the approved GW monitoring system, and the frequency at which each point will be sampled. The monitoring points must be shown on a to-scale map of the facility which also shows the boundaries of the facility and the active, closed, and planned fill areas; roads and buildings; and other features. Unless otherwise specifically approved by the DSWM, each monitoring point must be sampled semi-annually.

(c) The background GW quality data established or to be established for newly permitted SWLF in accordance with Item II.3 above.

(d) The field procedures to be utilized in measuring water levels, purging monitoring wells, and collecting ground water samples from monitoring wells, springs (where applicable), and/or domestic water supply wells (where applicable). This must identify how portable, direct-reading electronic instruments will be utilized in the field efforts, and how the field efforts and resulting data will be recorded.

(e) The method to be used for each sampling event to perform the statistical evaluation of the analytical data required in Item II.4 above. Such evaluations must be performed in

accordance with a method listed in Rule 1200-1-7-.04(7)4(v) unless an alternative statistical method is specifically approved by the DSWM for **each** sampling event. If the O/O desires to utilize an alternative statistical method, he must request a variance under Rule 1200-1-7-.04(7)4(vi) and receive approval from the DSWM prior to utilizing the alternative statistical method. (Note: See Items II.3, II.4 and II.6 above regarding background and statistical methods.)

(f) All GW Ground Water Detection Monitoring reports shall be submitted in compliance with the requirements of Item II.7 above.

2. If the O/O determines that there is a statistically significant increase [Rule 1200-1-7-.04(7)(a)4(v)] over background for one or more approved detection monitoring parameters, the O/O must, within 14 days of this finding, send a notice to the DSWM indicating which constituents have shown statistically significant changes from background levels and proceed to Assessment Monitoring Program-Phase 1 described in Item IV.1 below. The O/O may demonstrate that a source other than a SWLF unit caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, and/or statistical evaluation, or from natural variation in groundwater quality. A report documenting this demonstration must be certified by a qualified ground water scientist and approved by the DSWM. If a successful demonstration is documented and approved, the O/O may continue detection monitoring as specified in this section. If, however, such a demonstration is not documented by the O/O and approved by the DSWM within 90 days from the O/O's receipt of the sampling and analysis data showing a statistically significant increase over background for one or more constituents, then the O/O shall initiate an assessment monitoring program as set forth in Section IV below.

IV. Assessment Monitoring Program

Assessment monitoring is required whenever a statistically significant increase over background has been detected for one or more of the Appendix I constituent(s) or alternative constituents approved under Rule 1200-1-7-.04(7)(a)5(i)(I) or (II). There are three distinct phases to the ground water assessment program, which the DSWM refers to as Phase 1, 2 and 3. The three different phases of GW Assessment are described in Items IV.1, IV.2, and IV.3 below. [Note: The O/O may document or attempt to document that the impact to the groundwater is due to gas migration and not from leachate at the SWLF. Regardless of how the ground water is impacted by a SWLF (gas or leachate), if the constituents are above background, the SWLF remains in assessment. SWLF impacts by gas migration do not in any way eliminate or reduce the duty to comply with the assessment and corrective action requirements. However, the O/O may take immediate action to correct the likely cause of the impact (gas and/or leachate) but the O/O cannot defer compliance with the required assessment activities.]

1. GW Assessment Monitoring Phase 1

(a) Within 90 days of becoming aware of a statistically significant increase over background for any Appendix I constituent(s) or alternative constituents [Rule 1200-1-7-.04(7)(a)6(ii)] , the O/O shall:

(i) Initial Assessment Sampling Event - Sample and analyze all downgradient-monitoring points (wells, springs, etc.) for all Appendix II constituents for the initial assessment sampling event. The O/O may request deletion of some of the Appendix II constituents from this initial assessment sampling event, provided he can adequately justify that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit. All requests shall be made in writing with justification and be certified by a person representing the O/O in accordance with Item II.8. (Note: In order to comply with the ninety (90) day time frame, this must be conducted within the first thirty (30) days.); and

(ii) Background Sampling for Identified Appendix II Constituents - Sample and analyze all upgradient and downgradient monitoring points (wells, springs, etc.) for four independent samplings analyzing for all Appendix II constituents

detected in the Initial Assessment Sampling Event described in Item IV.1.(a)(i) that had not been previously detected. The purpose of the four sampling events is to establish background for any Appendix II constituent for which background had not been previously established and obtain data for the required statistical evaluation. Background for any Appendix II constituent for which background had not been previously established must be established from an upgadient monitoring point. (Note: In order to comply with the ninety (90)-day time frame, this must be conducted within the last sixty (60) days.)

(b) The O/O must notify DSWM of all detected Appendix II constituents within 14 days of obtaining analytical results [Rule 1200-1-7-.04(7)(a)6(iii)(I)] in complying with Item IV.1.(a) above.

(c) Within sixty (60) days after completing the sampling and analyses under Item IV.1.(a) above, the O/O must submit a report that complies with all of the Items in Item II.7 above. If all Appendix II constituent(s) concentration(s) are **below** the GW Protection Standard(s), then the O/O shall proceed to Phase 2 of the Assessment Monitoring Program (Item IV.2 immediately below). If any Appendix II constituent(s) concentration(s) is **above** its GW Protection Standard, then the O/O must notify the DSWM within 14 days of the exceedance and proceed to a GW Quality Assessment Program (Section V. below).

(d) Assessment monitoring is performed to evaluate if the Ground Water Protection Standards for the facility have been exceeded and, if any exceedances are documented, to define the extent of contamination.

(i) The GW Protection Standards shall be:

(1) For constituents for which a maximum contaminant level (MCL) is listed in Appendix III of this rule, the MCL for that constituent; or

(2) For constituents for which MCLs have not been promulgated, the background concentration for the constituent established from wells installed in accordance with Rule 1200-1-7-.04(7)(a)3; or

(3) For constituents for which the background level is higher than the MCL identified under sub-item IV.2.(c)(i) above or health based levels identified under Item IV.1.(d)(ii) below, the background concentration.

(ii) The O/O may request, and the DSWM may approve, an alternative GW protection standard for constituents for which MCLs have not been established. The request shall be made in writing and include the documentation required to justify an alternative GW protection standard, and shall be certified by a person representing the O/O in accordance with Item II.8 above. These GW protection standards shall be appropriate health based levels that satisfy the following criteria:

(1) The level is derived in a manner consistent with Environmental Protection Agency guidelines for assessing the health risks of environmental pollutants (51 CFR 33992, 34006, 34014, 34028, Sept. 24, 1986);

(2) The level is based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792, August 17, 1989) or equivalent;

(3) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level (due to continuous lifetime exposure) within the 1.0×10^{-4} to 1.0×10^{-6} range; and

(4) For systemic toxicants, the level represents a concentration to which the human population (including sensitive subgroups) could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this subpart, systemic toxicants include toxic chemicals that cause affects other than cancer or mutation.

Note: In establishing GW protection standards, the synergistic/additive impacts due to the presence of multiple contaminants in the ground water, exposure threats to sensitive environmental receptors, and other site-specific exposure or potential exposure to ground water should be taken into consideration. USEPA Region 9's Preliminary Remediation Goals for tap water can be useful in determining alternative ground water protection standard for constituents for which MCLs have not been established. However, the User's Guide and Background Technical Document for USEPA Region 9's Preliminary Remediation Goals must be read and considered when establishing all alternative GW protection standards. Section 3.3 (Screening with Multiple Pollutants) on page 14 of the user's guide addresses an approach for multiple constituents. Information regarding USEPA Region 9's Preliminary Remediation Goals and User's Guide and Background Technical Document can be found at http://www.epa.gov/region09/waste/sfund/prg/index.html.

2. GW Assessment Program-Phase 2

(a) Sampling and Analysis

(i) The O/O must semi-annually sample and analyze ground water samples from all monitoring points (wells, springs, etc.) as follows:

1st Sampling Event: All Appendix I constituents, any additional approved alternative parameters, and all other Appendix II constituents that have been previously detected during GW monitoring.

2nd Sampling Event: All Appendix II constituents and any additional approved alternative parameters.

(ii) The O/O may request to delete any of the Appendix II monitoring parameters for a SWLF unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit. All requests shall be made in writing sixty (60) days prior to the sampling event with justification and be certified by a person representing the O/O in accordance with Item II.8 above.

(b) Within sixty (60) days after completing the semi-annual sampling and analyses under Item IV.2.(a) above, the O/O must submit a report in compliance with Item II.7 above. [Rule 1200-1-7-.04(7)(a)6(ii)]. If all Appendix II constituent(s) concentration(s) are found to be **below** their GW Protection Standard(s), then the O/O remains in the GW Assessment Program under Phase 2 until all Appendix II constituent(s) are statistically below background for two consecutive sampling events. If any Appendix II constituent(s) concentration(s) is found to be **above** its GW Protection Standard, then the O/O must notify the DSWM of the exceedance within 14 days from obtaining the laboratory results and proceed to a GW Quality Assessment Program (Section V. below).

V. GW Quality Assessment Program - Phase 3

1. The O/O must submit a **GW Quality Assessment Plan** to the DSWM in a timely manner **(**not more than forty-five (45) days after the O/O is aware that any Appendix II constituent(s)

concentration(s) is above GW Protection Standard) when ground water sampling and analysis finds any Appendix II constituent at a concentration greater than the constituents GW Protection Standard. Additionally, Rule 1200-1-7-.04(7)(a)7 requires the O/O to initiate the assessment of corrective measures within ninety (90) days after the O/O is aware of any exceedance. The DSWM should send a **Notice of Violation "NOV"** letter to the O/O for violating the Ground Water Protection Standard under Rule 1200-1-7-.04(7)(a)1. The **"NOV"** should establish the compliance date for the submittal of the **GW Quality Assessment Plan. The DSWM is authorized to require the O/O take any measure necessary to protect human health and the environment [Rule 1200-1-7-.04(7)(a)9(i)(III)] and the DSWM may require such action at any time [Rule 1200-1-7-.04(7)(a)6(iv)(VIII)].**

2. GW Quality Assessment Plans shall describe in detail the activities necessary to:

   (a) Determine whether solid waste or solid waste constituents from the SWLF have entered the GW, the rate and extent of migration of waste or waste constituents in the GW, and the concentration in the GW of such waste or waste constituent(s).

   (b) Specify the number of additional GW sampling locations (springs and wells) and depth of additional well(s) to define the nature and the vertical and horizontal extent of the release. At least one additional monitoring well must be installed at the SWLF boundary in the direction of contaminant(s) migration.

   (c) Identify all domestic and commercial water use sources within a one-mile radius from the center of the SWLF. The plan must propose a user survey that identifies all sources of drinking water (wells and/or springs) within one-mile radius from the center of the SWLF. The plan must specify that a report containing the results of the survey will be submitted in to the DSWM within 45 days of approval of the plan. The O/O may request a reduction or modification to the one-mile radius if adequate justification (e.g. a hydrogeologic barrier or divide such as river is within the one-mile radius) is provided and accepted by the DSWM. The survey report shall contain a topographic map (or legible enlarged copy) identifying the drinking water sources, the latitude and longitude coordinates, the names, addresses and phone numbers (if publicly available) of the owners, the SWLF property boundaries, the SWLF operational boundaries and the one-mile radius.

   (d) Conduct quarterly sampling of select GW monitoring points and analyze for those parameters with statistically significant increases.

   (e) Comply with the Items in Section II (Sampling, Analysis, and Recordkeeping Requirements) above.

3. A qualified GW scientist and a person representing the O/O as described in Rule 1200-1-7-.02(2)(a)7, 8 and 10 must certify the GW Quality Assessment Plan. If the initial plan is deficient, then a Notice of Deficiency (NOD) should be issued requiring a revised GW Quality Assessment Plan. If the revised Plan is deficient, a **Notice of Violation (NOV)** should be issued requiring a second revised GW Quality Assessment Plan. If the second revised GW Quality Assessment Plan is deficient, a **Second Notice of Violation (NOV)** should be issued requiring a third revised GW Quality Assessment Plan, and the DSWM Environmental Field Office shall submit an enforcement request due to the O/O's failure to provide an adequate GW Quality Assessment Plan. (Note: This is consistent with the DSWM Enforcement Policy. Discussions, among the Field Office Staff, Enforcement Chief and, as appropriate, the Director, are in order for any unusual circumstances.).

4. While the assessment plan is being developed and approved, and throughout implementation, the O/O must conduct quarterly sampling and analysis of all monitoring points (wells, springs, etc.) and submit results in quarterly reports. The SWLF remains in the GW Assessment Program until all Appendix II constituent(s) are below the GW Protection Standards for a period of three

consecutive years. The O/O shall quarterly sample and analyze all monitoring points (wells, springs, etc.) as follows:

1st Sampling Event:	All Appendix I constituents, any additional approved alternative parameters, and all other Appendix II constituents that have been previously detected during GW monitoring.
2nd Sampling Event:	All constituents with a statistically significant increase
3rd Sampling Event:	All Appendix II constituents and any additional approved alternative parameters.
4th Sampling Event:	All constituents with a statistically significant increase

VI. Off-Site Drinking Water

1. The requirements of this section apply to a SWLF when:

   (a) The O/O fails to comply with any compliance schedule under Section V (GW Quality Assessment Program).

   (b) Assessment monitoring performed pursuant to Sections IV and V above find that the measured concentrations of any Appendix II constituent have been above its GW Protection Standard at <u>any</u> down-gradient monitoring point for more than <u>one year</u> and the extent of contamination in the GW has <u>not been defined completely</u>.

   (c) The DSWM may determine, based on site-specific conditions (e.g., karst geologic formations), that the provisions of this section should be implemented without waiting for a year of documented exceedances of a GW Protection Standard.

   (Note: The DSWM is authorized to require the O/O take **any measure necessary** to protect human health and the environment [Rule 1200-1-7-.04(7)(a)9(i)(III)] and the DSWM may require such action at any time [Rule 1200-1-7-.04(7)(a)6(iv)(VIII)].)

2. As required pursuant to Item VI.1 above, the O/O shall perform the following activities:

   (a) Area Ground Water User Survey

      (i) The O/O will conduct a user survey that identifies all sources (wells and/or springs) used for drinking water within a one-mile radius from the center of the SWLF. However, the O/O may request a reduction or modification to the one-mile radius if adequate written justification (e.g. a hydrogeologic barrier or divide such as river is within the one-mile radius) is provided by the O/O to, and accepted in writing by, the DSWM. All requested reduction or modification shall be made in writing with justification and be certified by a person representing the O/O in accordance with Item II.8.

      (ii) Unless a longer time period is allowed by the DSWM, the user survey will be completed and a report submitted to the DSWM within 45 days of the date the DSWM directs the O/O to perform the survey. The report shall contain a topographic map (or legible enlarged copy) identifying the drinking water sources, the latitude and longitude coordinates, the names, addresses and phone numbers (if publicly available) of the owners, the SWLF property boundaries, the SWLF operational boundaries and the one-mile radius (or alternative boundary accepted by the DSWM).

      (iii) The O/O shall update the user survey required under subpart VI.2.(a)(i) at least on a annual bases and submit the results of the survey annually.

(b) Monitoring of Off-Site Drinking Water Sources

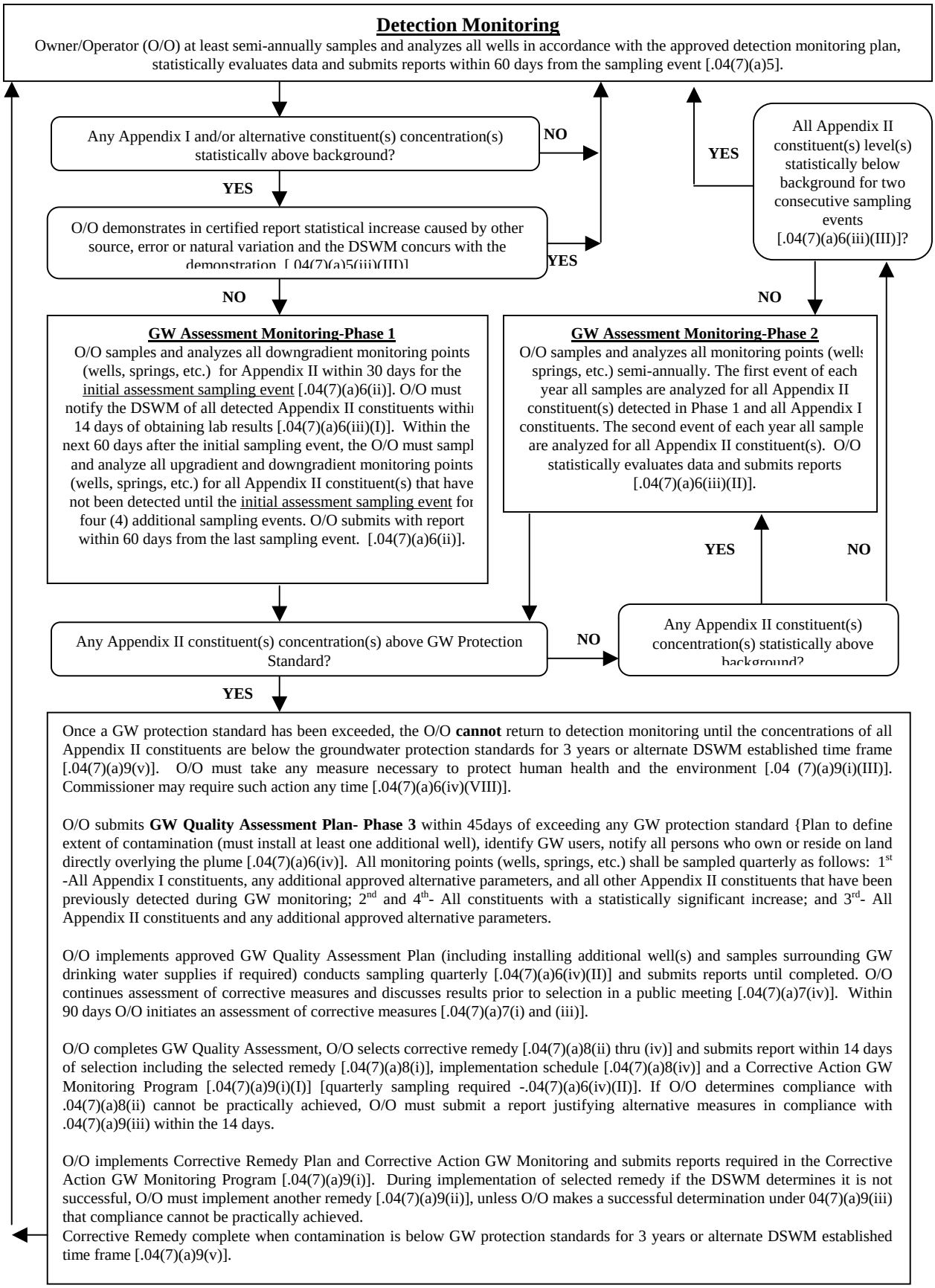
(i) If assessment monitoring at the SWLF has determined that any Appendix II organic constituent is above its GW Protection Standard, the O/O must collect representative ground water samples from all drinking water source(s) identified in the Area Ground Water User Survey and analyze each sample collected for (1) all Appendix II organic constituents detected in the SWLF's GW, and (2) all Appendix II inorganic constituents that exceed their GW protection standard(s). [Notes: The O/O is not required to sample for any Appendix II constituent(s) if he submits a written demonstration to the DSWM, and the DSWM accepts it, that the constituent was found at the SWLF as a result of another source or natural variation under Rule 1200-1-7-.04(7)(a)5(iii)(III). Such demonstrations shall be certified by the O/O in accordance with Item II.8 above and a qualified GW scientist.] The O/O may request a reduction in the number of drinking water sources to be sampled if adequate written justification is provided and accepted in writing by the DSWM. All requested reduction shall be made in writing with justification and be certified by a person representing the O/O in accordance with Item II.8 above. If any Appendix II organic constituent is detected, and/or if any Appendix II inorganic constituent is detected above the groundwater protection standard(s), then the O/O shall notify the DSWM by telephone or fax of the detection within one working day and resample the water source and provide the analytical results to the DSWM within two working days. The complete results from the sampling and analyses of the drinking water sources must be submitted to the DSWM within 30 days of the last day of the sampling effort, and in a report that meets the requirements of Item II.7 above.

(ii) The O/O must notify by mail all off-site water source owner(s) and users (renters, etc. if known) whose water sources were sampled, documenting the results of the sampling and analyses. If the initial and verification sampling and analyses described in sub-item (i) above documents any detection of an Appendix II organic constituent, or detection of any Appendix II inorganic constituent greater than a GW protection standard, the O/O shall notify the off-site water source owner(s) and users (renters, etc. if known) by telephone (if publicly available) and in writing by certified mail of the sampling/analyses results. If the O/O is unsure if any other person(s) uses the impacted off-site water source, then in the certified letter the O/O shall request the name(s), address(s) and phone number(s) (if publicly available) of any other users and inform the impacted off-site water source owner that they need to notify any other users. The O/O shall provide a copy of all correspondence to the DSWM.

(iii) If the SWLF is the most reasonable cause of an Appendix II constituent being found above the GW protection standard(s) in an off-site drinking water source(s), then the DSWM staff shall encourage the O/O to provide the impacted off-site party with temporary alternative drinking water and permanent alternative drinking water. If the O/O does not want to provide a temporary alternative drinking water and permanent alternative drinking water, the DSWM Field Office staff shall notify the Director and the Solid Waste Management Program Manager by telephone and by e-mail to determine the next steps for the Department regarding the impacted off-site water supply.

(iv) The O/O shall continue collecting and analyzing samples of off-site drinking water sources in accordance with Item VI.2.(b)(i) above semi-annually. The off-site samples shall be collected during 1st and 3rd sampling events listed in item V.4 above. These efforts shall continue until the approval of the Corrective Action GW Monitoring Program under Rule 1200-1-7-.04(7)(a)9(i)(I) or the site is in compliance with Rule 1200-1-7-.04(7)(a)9(v).

Attachment One
Groundwater Monitoring and Corrective Action for Solid Waste Disposal Facilities



NOTES: All reports must be submitted within sixty days of each sampling events [.04(7)(a)4(viii)]. This flowchart outlines the regulatory requirements for groundwater monitoring and corrective action and any omission(s) do not negate any permit or regulatory requirements.

NOTICE

The guidance provided in this document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the State of Tennessee. DSWM officials may follow the guidance provided in this document, or vary from said guidance, based on site-specific circumstances. The DSWM also reserves the right to change this guidance at any time without public notice.

___(Signature on File)_____ _8-26-05_____

Mike Apple, Director **Date**
Division of Solid Waste Management

policy/notebook/pn124
Original: August 2005