



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

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

MEMORANDUM

TO: Governor Bill Haslam
Governor of the State of Tennessee

Lieutenant Governor Ron Ramsey
Speaker of the Senate

Speaker Beth Harwell
Speaker of the House of Representatives

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

DATE: February 7, 2014

RE: Department of Environment and Conservation
Environmental Permitting Efficiency Report

RJM

Tennessee Code Annotated (T.C.A.) 4-3-506 et. seq. requires the commissioner of the Department of Environment and Conservation (the Department) to submit a semi-annual report electronically to the Governor and the General Assembly each year. Our February 2014 Environmental Permitting Report is attached with this memorandum.

The statute requires the Department to report all permit applications that have been submitted to the Department for each reporting period. There are two main reporting categories; (1) performing permit completeness review within regulatory time periods and (2) making permit final permit decisions for complete permit applications. This first Environmental Permitting report includes all permit applications that were on hand but not processed on July 1, 2013 and all permit applications submitted from July 1, 2013 thru December 31, 2013 that are subject to this statute. For this report, the Department defined "permit" as any permit, license, certification, accreditation or registration with a specific regulatory time period for completeness review and/or a permit decision. The statute requires the Department to report:

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

Attached with this memorandum is an electronic copy of the February 2014 report. The Department will also post this report on its website. Please feel free to contact me or my staff if you have any questions.



Tennessee Department of Environment and Conservation
Environmental Permitting Report
February 2014

Robert J. Martineau, Jr., Commissioner

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Tennessee Department of Environment and Conservation FY 13/14 Semi-Annual Environmental Permitting Report

EXECUTIVE SUMMARY

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

Environmental permitting is an important component of the Department's charge to protect Tennessee's natural resources and preserve the quality of life; making Tennessee an attractive place to work, live and play. Timely and effectively issuing environmentally protective permits is critical to the success of our state's business and industry sectors and Tennessee's efforts to be the best state in the southeast for high quality jobs. Because there are specific time limits established in statute and rule to determine if applications are complete and specific time limits for final permitting decisions, TDEC defines a permit as any permit, license, registration, certification and accreditation applications subject to the requirements for permitting in Tennessee Code Annotated (T.C.A.) 4-3-501 et. seq.

In 2012, Tennessee Code Annotated 4-3-506 was amended; requiring the Department to provide the Legislature with two reports each fiscal year that demonstrate our progress in meeting specific time limits for permit completeness review and making final permit decisions set by statute and rule. This report provides a summary of the departmental permitting activities for the time period between July 1, 2013 and December 31, 2013. For permit applications subject to permit completeness review deadlines, the Department reviewed 96.5% percent (5,913 of 6,144) of the permit applications for completeness within regulatory time limits continuing to perform above our Customer Focused Government goal of 95%. The Department made final permit decisions for 97.5% percent (18,205 of 18,663) of all complete permit applications within statutory and regulatory time limits. This is a 5% increase in efficiency when compared the February 2013 report.

The Department is committed to meeting the statutory and regulatory time limits for permit completeness review and making final permit decisions. Each Division reviews its permitting processes regularly to develop more effective review of permit applications and to provide more user friendly permit applications. During the July 1, 2013 through December 31, 2013 time period, two Divisions recognize a specific need to improve permit review and decision processes, Air Pollution Control and Water Resources, specifically the Surface Water Program. This is an improvement from February 2013 when the Department recognized an efficiency program in the Subsurface Sewage Program for installer and pumper licensing.

The Air Pollution Control Division has two areas for improvement to reach the Department's Customer Focused Government Permitting Decision Goal of 95%; (1) issuing new Operating permits for facilities with Construction permits and (2) re-issuing Operating permits for facilities whose current operating permit has expired. The Department is committed to reducing the time to make final permit decisions in the Air Pollution Control Program. While the Air Pollution Control Division has a need for continued improvement, the overall rate for time permit decisions has increased from 43.6% in February 2013 to 66.7% in February 2014.

It should be noted that under the Uniform Administrative Procedures Act, T.C.A. 4-5-320(b), and the Air Pollution Control regulations, any facility with an air pollution control construction permit where the applicant has timely submitted an application for an operating permit or where a permittee has submitted a new Operating permit application by the date specified in the regulations to renew its Operating permit, the permittee may continue to operate under its existing permit until the Department has made a final decision on its operating permit renewal application. The statutory and regulatory provisions ensure that permit holders can operate their businesses without any adverse impact while the Department makes a final Operating permit decision.

During this reporting period the Department identified three permit processes in the Water Resources Division that are candidates for improvement. The Department will work with the Aquatic Resources Alteration, Construction Stormwater and Wastewater Construction Plans Review programs to improve permitting performance. An assessment of each permitting program is provided in the report as well as plans for improving permitting performance.

We hope the information in this report is of assistance to the Legislature and look forward to receiving comments from the Legislature and the citizenry at large about its content. We appreciate any ideas that will improve the quality of this report and our service to our customers.

INTRODUCTION

The Tennessee General Assembly adopted legislation in 2012 which amended Tennessee Code Annotated (T.C.A.) 4-3-501 et. seq. This Act provides for the creation of the Department of Environment and Conservation (the Department). The 2012 amendment, included as Appendix 1., requires the Department to submit to the Legislature the status of the review of permit applications for completeness and making final permit determinations as required by statute and regulation twice per year; the Semi-Annual Permit Report in February of each year and the Annual Permit Report due in August of each year . There are 13 different rules with specific language requiring the Department to review permit applications for completeness within set time periods and to approve or deny permit applications and permit modifications within set time periods. Please find below the regulations the Department is required to follow for permit completeness review and permit approval or denial.

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

The Department has created tables in this report for each Environmental Division with permitting responsibilities. The tables provide the success the Department has had in reviewing permit applications for completeness and making final permit decisions within the statutory and regulatory time limits for each type of permit.

The Permit Completeness Table for each environmental program provides specific information:

1. The number and type of permit applications and modifications that were a part of our inventory on July 1, 2013;
2. The number and type of permit applications modifications received from July 1, 2013 thru December 31, 2013;
3. The total number of permit applications and modifications under completeness review from the time period of July 1, 2013 through December 31, 2013;
4. The time period the Department has to review permit applications and modifications to determine completeness;
5. The number of permit applications and modifications that were reviewed by the Department for completeness within the regulatory time period;
6. The number of permit applications and modifications that were not reviewed by the Department for completeness within the regulatory time period;
7. The number of permit applications and modifications currently under review but the time period for completeness has not ended; and
8. The percentage of permit applications reviewed for completion within statutory and regulatory time limits.

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

1. The number and type of complete permit applications and complete permit modifications that had been received but not acted upon as of July 1, 2013;
2. The number and type of complete permit applications and modifications received from July 1, 2013 thru December 31, 2013;
3. The total number of complete permit applications and modifications to be reviewed during the time period of July 1, 2013 through December 31, 2013;
4. The time period provided to the Department to either approve or deny a complete permit application or modification for each permit category;
5. The number of complete permit application and modifications that were reviewed within the time period set by rule and a decision was made to either issue or deny the permit application or modification;
6. The number of complete permit applications and modifications that were reviewed by the Department and the Department exceeded the time period set by rule to issue or deny the permit application or modification;
7. The number of complete permit applications and modifications under review, but the time period to issue or deny the application has not ended; and

8. The percentage of permit applications that were approved/denied within statutory and regulatory time limits.

We believe the information presented in the tables for each environmental program provide a comprehensive view of the Department's effectiveness in meeting the statutory and regulatory requirements for environmental permitting.

LAND

The Divisions of Solid Waste Management and Radiological Health are responsible for issuing permits, licenses, registrations, certifications and accreditations as part of their regulatory duties. There are four different environmental programs within these Divisions that have permitting responsibility:

1. Solid Waste;
2. Hazardous Waste;
3. Toxic Substances; and
4. X-ray equipment and Radioactive Materials

SOLID WASTE

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

Table 1. reports the Department's success in meeting statutory and regulatory time limits for solid waste permit application completeness review; 265 of 266 (99.6%) permit applications were reviewed for completeness within established time limits. Table 2. reports the Department's success in making decisions for complete solid waste permit applications and modifications within statutory and regulatory time limits; 263 of 264 (99.6%) permit applications were approved/denied within established time limits.

Table 1. Solid Waste Program

Compliance with Permit Completeness Review Time Limits

Solid Waste Permit Applications and Modifications	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Hydrogeologic Report for Disposal Facilities	0	2	2	30	0	2	0	100.0%
Design and Construction Plans for Compost Facilities	0	1	1	45	0	1	0	100.0%
Design and Construction Plans for Class I or II Disposal facility	0	0	0	45	0	0	0	NA
Design and Construction Plans for Class III Disposal facility	0	0	0	45	0	0	0	NA
Major Permit Modification - Permit Only	0	0	0	45	0	0	0	NA
Major Permit Modification - Plans Only	1	0	1	45	0	1	0	100.0%
Minor Permit Modifications	0	19	19		3	16	0	100.0%
Permit-by-Rule Facility	2	13	15	0	4	11	0	100.0%
Special Waste Evaluation	0	235	235	30	0	234	1	99.6%
Total	3	270	273		7	265	1	99.6%

Table 2. Solid Waste Program

Compliance with Permit Decision Time Limits

Solid Waste Permit Applications and Modifications	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Hydrogeologic Report for Disposal Facilities	2	2	4	180	2	2	0	100.0%
Design and Construction Plans for Compost Facilities	0	1	1	120	1	0	0	NA
Design and Construction Plans for Class I or II Disposal facility	1	0	1	270	1	0	0	NA
Design and Construction Plans for Class III Disposal facility	0	0	0	240	0	0	0	NA
Major Permit Modification - Permit Only	0	0	0	180	0	0	0	NA
Major Permit Modification - Plans Only	6	0	6	240	6	0	0	NA
Minor Permit Modification	0	19	19	N/A	3	16	0	100.0%
Permit-by-Rule Facility	2	13	15	90	4	11	0	100.0%
Special Waste Evaluation	0	235	235	30	0	234	1	99.6%
Total	11	270	281		17	263	1	99.6%

HAZARDOUS WASTE

The Hazardous Waste Program issues permits for hazardous waste processing, storage, transport, treatment and disposal. The Department has received delegation from EPA Region 4 to serve as the primary regulatory authority for implementation of the federal hazardous waste regulations in Tennessee. The permits issued for hazardous waste management are an integral part of preventing the illegal disposal of hazardous wastes in our state and helps ensure that the facilities where hazardous waste is transported, stored, treated or disposed are properly designed, constructed to design criteria, operated as required pursuant to the regulations and the permit conditions, properly closed and then monitored (if needed). Proper management of hazardous waste protects public health and the environment.

Members of the regulated community who pursue either a new Hazardous Waste permit or modification of an existing permit are required to submit an application to the Department and receive approval from the Department before beginning construction of new facilities or significant improvements or construction at existing facilities.

Table 3. reports the Department's success in meeting statutory and regulatory limits for hazardous waste permit application completeness review. The Department reviewed all 116 hazardous waste permit applications for completeness within established time limits. Table 4. reports the Department's success in making final decisions for complete hazardous waste permit applications and modifications within regulatory and statutory time limits. The Department reviewed approved/denied all 116 hazardous waste permit applications within established time limits.

Table 3. Hazardous Waste Program								
Compliance with Permit Completeness Review Time Limits								
Hazardous Waste Permit Applications and Modifications	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
HW Transporters (New)	0	11	11	NA	0	11	0	100.0%
HW Transporters (Renewal)	0	234	234	180	132	102	0	100.0%
Interim Status Facilities - Closure Plan	0	0	0	180	0	0	0	NA
Interim Status Facilities - Post Closure Plan	0	0	0	45	0	0	0	NA
Part B Application New Facility - Public Notice of Intent to Issue/Deny	0	0	0	180	0	0	0	NA
Part B Application New Facility - Final Permit Decision	0	0	0	180	0	0	0	NA
Part B Application New Commercial TSDF - Public Notice of Intent to Issue/Deny	0	0	0	180	0	0	0	NA
Part B Application New Commercial TSDF - Final Permit Decision	0	0	0	45	0	0	0	NA
Class 1 Combustion Permit Modification MACT	0	1	1	45	0	1	0	100.0%
Class 1 Combustion Permit Modification MACT	0	1	1	45	0	1	0	100.0%
Class 2 Mods	0	2	2	45	1	1	0	100.0%
Total	0	249	249		133	116	0	100.0%

**Table 4. Hazardous Waste Program
Compliance with Permit Decision Time Limits**

Hazardous Waste Permit Applications and Modifications	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
HW Transporters (New)	0	11	11	15	0	11	0	100.0%
HW Transporters (Renewal)	0	234	234	15	132	102	0	100.0%
Interim Status Facilities - Closure Plan	0	0	0	90	0	0	0	NA
Interim Status Facilities - Post Closure Plan	0	0	0	90	0	0	0	NA
Part B Application New Facility - Public Notice of Intent to Issue/Deny	0	0	0	45	0	0	0	NA
Part B Application New Facility - Final Permit Decision	0	0	0	60	0	0	0	NA
Part B Application New Commercial TSDF - Public Notice of Intent to Issue/Deny	0	0	0	45	0	0	0	NA
Part B Application New Commercial TSDF - Final Permit Decision	0	0	0	90	0	0	0	NA
Class ¹ 1 Combustion Permit Modification MACT	0	1	1	90	0	1	0	100.0%
Class ¹ 1 Combustion Permit Modification MACT	0	1	1	30	0	1	0	100.0%
Class 2 Mods	0	2	2	90	1	1	0	100.0%
Total	0	249	249		133	116	0	100.0%

TOXIC SUBSTANCES

The Lead Based Paint and Asbestos Programs are responsible for insuring that companies and individual workers who repair, renovate and/or remove Lead Based Paint and Asbestos from buildings are properly trained. Department staff members review the education, training, experience and qualifications of the employees of companies who train Asbestos and Lead Based Paint workers. Accreditation of training programs ensures the curriculum and the training meets the need of the persons attending the training and helps prevent worker health and safety by reducing worker exposure to asbestos and lead. The Department has agreements with EPA Region 4 to implement these programs in Tennessee.

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

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

Table 5. reports the number of Asbestos and Lead Based Paint certification and accreditation applications received from July 1, 2013 through December 31, 2013. In both programs, each application is reviewed for completeness and a determination made to accredit or certify each. For this reporting period, the Asbestos and Lead Based Paint Programs have met all requirements for reviewing applications for completeness and issuing or denying applications within statutory and regulatory time limits; the Department processed 1,946 permit applications within established time limits.

**Table 5. Toxic Substances Waste Program
Compliance with Permit Decision Time Limits**

Toxic Substances Accreditations and Certifications	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
LBP - Certification of LBP Training Programs Accreditation	0	0	0	180	0	0	0	NA
LBP Refresher Training Programs	0	5	5	180	0	5	0	100.0%
LBP - Certification of Individuals	21	40	61	180	0	61	0	100.0%
LBP - Re-Certification of Individuals	18	28	46	NA	0	46	0	100.0%
LBP - Certification of Firms to perform work	11	11	22	90	0	22	0	100.0%
LBP - Re- Certification of Firms to perform work	15	30	45	NA	0	45	0	100.0%
Asbestos Training Provider Accreditation	0	8	8	180	0	8	0	100.0%
Asbestos Training Provider Accreditation Amended Application	0	0	0	30	0	0	0	NA
Re-accreditation of Asbestos Training Provider	0	17	17	NA	0	17	0	100.0%
Accredited Asbestos Professional Certification	12	447	459	60	0	459	0	100.0%
Re-Accreditation of Asbestos Professional Certification	48	1121	1169	NA	0	1169	0	100.0%
Accreditation of an Asbestos Firm	0	16	16	60	0	16	0	100.0%
Re-Accreditation of an Asbestos Firm	2	146	148	60	0	148	0	100.0%
Total	127	1869	1996		0	1996	0	100.0%

X-RAY EQUIPMENT and RADIOACTIVE MATERIALS

The Radiological Health Program issues licenses and certifications for equipment and devices that contain radioactive materials and for equipment and machines that generate X-rays. The Program also issues licenses to businesses that process low level radioactive waste. The Nuclear Regulatory Commission has granted the Department authority to operate the Radioactive Materials Licensing Program for facilities in Tennessee in lieu of the NRC except for the Department of Energy facility in Oak Ridge, Nuclear Fuel Services in Erwin and TVA Nuclear Power Plants. The Department issues radioactive material licenses and X-ray registrations to a wide variety of facilities/locations; i.e. hospitals, doctor's offices, dentists, veterinarians, industries, businesses, and building contractors. The licenses and registrations issued by the Department contain provisions that prevent the citizens of Tennessee from over exposure to ionizing radiation. The licenses and registrations require the recipients to monitor and repair equipment and devices. Licenses for radioactive material processing ensure that the companies performing this work ship the final waste to facilities designed to accept this waste for disposal.

The regulation of X-ray equipment and equipment containing radioactive materials and the regulation of radioactive materials protects the citizens of Tennessee from exposure to radiation that may impact their personal health. Insuring that radioactive materials are managed properly also ensures that this material is not released into the environment.

Members of the regulated community pursuing a new radioactive material license, modification of an existing radioactive material license or registration of equipment and devices that produce X-rays are required to submit applications to the Department for review. The Department determines if the equipment to be operated and the plans for operation and use meet health and safety standards. Under the Radiological Health regulations, the Department has set time limits to review applications and modifications for completeness. The Department also has the responsibility to review and decide to issue or deny complete applications within a specific time period.

Table 6. reports the Department's success in meeting statutory and regulatory limits for radioactive material license and X-ray registration application completeness reviews. During this reporting period, the Department reviewed 344 Radioactive Material permit applications and 1030 X-Ray Permit Applications for completeness within the established time limit for completeness review. The Department met the completeness review time limit for 100% (1374) of all permit applications.

Table 7. reports the Department's success in approving/denying Radioactive Material License and X-Ray Registration applications and modifications within statutory and regulatory time limits. For this reporting period the Radioactive Material and X-ray Program reached a final decision to approve or deny all applications and modifications (344 Radioactive Material permit applications and 1030 X-Ray permit applications) within statutory and regulatory time limits.

**Table 6. Radiological Health - License & Registration
Compliance with Permit Completeness Review Time Limits**

Radioactive Material Licensing	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Category GL	0	7	7	60	0	7	0	100.0%
Category 1	0	0	0	60	0	0	0	NA
Category 2	0	0	0	60	0	0	0	NA
Category 3	0	8	8	60	0	8	0	100.0%
Category 4	0	0	0	60	0	0	0	NA
Category 5	0	0	0	60	0	0	0	NA
Category 6	0	0	0	60	0	0	0	NA
Category 7	0	0	0	60	0	0	0	NA
Category 8	0	2	2	60	0	2	0	100.0%
Category 9	0	0	0	60	0	0	0	NA
Category 10	0	0	0	60	0	0	0	NA
Category 11	0	0	0	60	0	0	0	NA
Category 12	0	0	0	60	0	0	0	NA
Category 13	0	0	0	60	0	0	0	NA
Category GL - mod	0	0	0	NA	0	0	0	NA
Categories 1 thru 11 - mod	0	132	132	NA	0	132	0	100.0%
Category 12 - mod	0	0	0	NA	0	0	0	NA
Category 13 – mod	0	5	5	NA	0	5	0	100.0%
Reciprocity Notices	0	58	58	NA	0	58	0	100.0%
License for Delivery	0	132	132	NA	0	132	0	100.0%
License for Processing	0	0	0	NA	0	0	0	NA
License for Disposal	0	0	0	NA	0	0	0	NA
Totals	0	344	344		0	344	0	100.0%

Table 6. Radiological Health - License & Registration - Continued

Licensing and Registration - Compliance with Permit Completeness Review Time Limits

X-Ray Registration	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Class 1	0	485	485	NA	0	485	0	100.0%
Class 2	0	153	153	NA	0	153	0	100.0%
Class 3	0	301	301	NA	0	301	0	100.0%
Class 4	0	0	0	NA	0	0	0	NA
Class 5	0	63	63	NA	0	63	0	100.0%
Class 6	0	15	15	NA	0	15	0	100.0%
Class 7	0	13	13	NA	0	13	0	100.0%
Private Inspector	0	0	0	NA	0	0	0	NA
Private installer	0	0	0	NA	0	0	0	NA
Totals	0	1030	1030		0	1030	0	100.0%
Grand Total	0	1374	1374		0	1374	0	100.0%

**Table 7. Radiological Health - License & Registration
Compliance with Permit Decision Time Limits**

Radioactive Material Licenses	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Category GL	0	7	7	365	0	7	0	100.0%
Category 1	0	0	0	365	0	0	0	NA
Category 2	0	0	0	365	0	0	0	NA
Category 3	0	8	8	365	0	8	0	100.0%
Category 4	0	0	0	365	0	0	0	NA
Category 5	0	0	0	365	0	0	0	NA
Category 6	0	0	0	365	0	0	0	NA
Category 7	0	0	0	365	0	0	0	NA
Category 8	0	2	2	365	0	2	0	100.0%
Category 9	0	0	0	365	0	0	0	NA
Category 10	0	0	0	365	0	0	0	NA
Category 11	0	0	0	365	0	0	0	NA
Category 12	0	0	0	1825	0	0	0	NA
Category 13	0	0	0	365	0	0	0	NA
Category GL - mod	0	0	0	365	0	0	0	NA
Categories 1 thru 11 - mod	0	132	132	365	0	132	0	100.0%
Category 12 - mod	0	0	0	365	0	0	0	NA
Category 13 – mod	0	5	5	365	0	5	0	100.0%
Reciprocity Notices	0	58	58	365	0	58	0	100.0%
License for Delivery	0	132	132	365	0	132	0	100.0%
License for Processing	0	0	0	365	0	0	0	NA
License for Disposal	0	0	0	365	0	0	0	NA
Totals	0	344	344		0	344	0	100.0%

Table 7. Radiological Health - License & Registration - Continued

Compliance with Permit Decision Time Limits

X-Ray Registration	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Class 1	0	485	485	na	0	485	0	100.0%
Class 2	0	153	153	na	0	153	0	100.0%
Class 3	0	301	301	na	0	301	0	100.0%
Class 4	0	0	0	na	0	0	0	NA
Class 5	0	63	63	na	0	63	0	100.0%
Class 6	0	15	15	na	0	15	0	100.0%
Class 7	0	13	13	na	0	13	0	100.0%
Private Inspector	0	0	0	na	0	0	0	NA
Private Installer	0	0	0	na	0	0	0	NA
Totals	0	1030	1030		0	1030	0	100.0%
Grand Total	0	1374	1374		0	1374	0	100.0%

AIR

The Department is responsible for maintaining the air quality across the state to protect public health and environment. As a part of the Air regulatory program, the Department works with business, industry, local governments and local citizens to improve air quality in those parts of the state where air quality does not meet state and federal standards. One strategy to maintain and improve air quality is the regulation of equipment which produces air emissions. The Department, via the Division of Air Pollution Control, issues permits for sources that generate air pollution. Given the complexity of air quality analysis and the need to protect our natural resources, the Department issues air pollution control permits that ensure air emissions from business and industry are at levels that are protective of public health and the environment. The United States Environmental Protection Agency (EPA) Region IV has granted the Department the authority to implement federal air pollution control regulations promulgated under the Clean Air Act in lieu of EPA. This includes issuing or denying permit applications to release air contaminants into the atmosphere.

During the air permitting process, the Department reviews permit applications and modifications for completeness. Given that clean air is important to Tennesseans, EPA and the Department have developed air emission standards that limit the amount of emissions to be released into the atmosphere, protecting public health and the environment. The Department is required to evaluate permit applications and modifications for completeness. Once the Department has a complete permit application or modification, it is required to approve or deny the permit modification request within specified time limits as set by the regulations. For some permit types, the Department is required to exchange permit applications/modifications with EPA. Making permit decisions within regulatory and statutory time limits helps Tennessee be competitive in recruiting new business and industry to the state as well as retaining current businesses and industries.

Table 8. reports the Department's success in review of permit applications for completeness. During this period, the Department received 619 Construction permit applications and 142 Operating permit applications for review. The Department reviewed all 761 permit applications for completeness within the established time limit.

Table 9. reports the Department's success in approving/denying complete air pollution control permits within statutory and regulatory time limits. During this time period, the Department had 406 complete Construction permit applications to approve or deny. The Department made permit decisions for 314 (77.3%) of the Construction permits within the established time limits; 92 Construction permit application decisions were not made within established time limits. During this time period, the Department had 248 complete Operating permit applications to approve or deny. The Department made final permit decisions for 122 (45.2%) of the Operating permit applications within the established time limits; 126 Operating permit application decisions were not made within established time limits. The Department recognizes it should continue to improve permitting efficiencies for Operating permit decisions, this a 26% improvement from February of 2013.

For all complete Construction and Operating Permit applications (654), the Department approved/denied 436 permit applications within established time limits (66.7%); 218 complete permit application decisions were not made within established time limits. As mentioned above the Department recognizes the need to improve Air Permitting final decision efficiency, the results for February 2014 are 26% better than in February 2013.

Business, industry and federal agencies in Tennessee depend upon the Department to issue air pollution construction permits in a timely fashion. New and existing facilities must receive a construction permit before construction or modifications can begin. Recognizing the impact on economic growth, the Department has emphasized processing air pollution construction permits. In the air pollution regulations, once a construction permit is issued and the source is constructed or modified, the permittee can operate under the terms and conditions of the construction permit until an operating permit is issued, provided the applicant applies for the operating permit within the time frame specified in the construction permit. This also applies to sources requesting renewal of existing operating permits; the source can continue to operate under the terms and conditions of the existing operating permit until a new operating permit is issued; provided that the permit holder applies for renewal within the time frame specified in the previous permit. The Department has not met the permit decision time limits for many reasons, including differences between the Department and the applicant about technical issues, slow response by applicants to requests from the Department for additional information about their specific permit, interest from the local community with the need for public meetings and hearings, EPA involvement in the permitting process, limited staff, and training new staff.

However, the Department recognizes the need to improve the air pollution permit application review process. The Department has presented and the Air Pollution Control Board has adopted regulatory changes that will allow the Department to issue general permits for facilities with low levels of air emissions such as drycleaners, paint and body shops, and gasoline stations. The new General Permit shall serve as both the construction and operating permit for a facility. Currently, the General Permit rule is under final review by our Office of General Counsel and the Attorney General. Once the review is complete the rule will become effective 90 days from the date the rule is received by the Secretary of State. The rule also must be reviewed by the Legislature's Government Operations Committee for approval. Concurrent with the legal review, the Department will select the first set of permit "types" for General Permit development. As a part of the Department's Technical Track Initiative, the Air Pollution Control Engineering Unit will re-organize, add staff, install a different management scheme and utilize the talents of our best permit writers to review permit applications. These organizational changes will increase our permitting efficiency, ensuring Air Pollution permit application decisions are made within established time limits.

Table 8. Air Pollution Control - Permit Applications and Modification

Compliance with Permit Completeness Review Time Limits

Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Construction Permits								
True Minor Sources	198	285	483	30/90	0	483	0	100.0%
Title V Sources minor NSR	18	29	47	30	0	47	0	100.0%
Conditional Major Sources	25	52	77	30/90	0	77	0	100.0%
Major Source Construction (PSD, new and modified sources)	2	10	12	30	0	12	0	100.0%
Major Source Construction (NA/NSR, new and modified sources)	0	0	0	30	0	0	0	NA
Total	243	376	619		0	619	0	100.0%
Operating Permits			619					
Title V Operating	74	28	102	60	0	102	0	100.0%
Significant Mod – Title 5	22	15	37	60	0	37	0	100.0%
Conditional Major - 1st Issuance	2	1	3	60	0	3	0	100.0%
Total	98	44	142		0	142	0	100.0%
Grand Total	341	420	761		0	761	0	100.0%

**Table 9. Air Pollution Control Permit Applications and Modifications
Compliance with Permit Decision Time Limits**

Permit Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Construction Permits								
True Minor Sources	198	285	483	115 days	169	240	74	76.4%
Title V Sources Minor NSR	18	29	47	115 days	7	27	10	73.0%
Conditional Major Sources	25	52	77	115 days	25	46	6	88.5%
Major Source Construction (PSD, new and modified sources)	2	10	12	180/365 days	10	1	2	33.3%
Major Source Construction (NA/NSR, new and modified sources)	0	0	0	180/365 days	0	0	0	NA
Total	243	376	619	30 days	211	314	92	77.3%
Operating Permits								
Title V	74	28	102	540 days	44	28	30	48.3%
Significant Mod – Title 5	22	15	37	270/540 days	19	11	7	61.1%
Title 5 Minor Mods	79	35	114	60 days/or set by EPA	10	25	79	24.0%
Administrative Amendment Major Sources	38	30	68	60 days	1	57	10	85.1%
Conditional Major - 1st Issuance	2	1	3	540 days	2	1	0	100.0%
Total	215	109	324	0	76	122	126	49.2%
Grand Total								
Grand Total	458	485	943		287	436	218	66.7%

WATER

The Department of Environment and Conservation, through its Water Resources Division, is responsible for issuing permits that protect the quality and quantity of two of Tennessee's most valuable natural resources; surface water (springs, creeks, rivers and lakes) and ground water. As Tennessee continues to grow in population, as more businesses and industries come to Tennessee, and as existing Tennessee industries expand, we face water quality and water quantity challenges. Providing drinking water to our citizens, ensuring business and industry has the water resources needed to operate, ensuring that our citizens and visitors have safe and enjoyable water recreational opportunities and protecting the diverse fish and aquatic life in Tennessee waters is a complex natural resource issue. Wise management of our water resources becomes more important every year.

The Department protects our water resources to ensure a healthy environment for fish and aquatic life and recreational use for Tennesseans through the water permitting programs. Because the waters of the State of Tennessee are plentiful and of good quality, our population continues to grow and business and industry finds Tennessee a great place to operate.

The responsibilities of the Division of Water Resources can be divided into three primary programs Surface Water, Public Drinking Water and Groundwater. The Department implements the requirements of Tennessee statutes and rules to protect our water resources by:

1. Regulating the discharge of wastewater from public and private wastewater treatment plants;
2. Overseeing the design and operation of public water supplies;
3. Limiting the impact of construction on rivers and streams;
4. Regulating the disposal of surface water runoff and the installation and operation of septic systems (subsurface sewage disposal) to protect ground water;
5. Overseeing the construction and operation of dams; and
6. Regulating the amount of water taken from rivers and streams to ensure that everyone has the quantity of water needed for local business and industry.

The Division of Water Resources has the greatest number of permit types and the greatest number of permit applications to process in the Department. To fulfill the legislative commitment and report our progress in permit processing; three sections follow that provide information for the Water Resources Division.

SURFACE WATER

The Surface Water Program implements the regulations that require permits for: (a) discharge of wastewater into streams (point source discharges), (b) alteration of the chemical, physical, biological, radiological and flow of our rivers and streams, (c) non-point source pollution such as surface water runoff from construction sites and confined animal feeding operations, (d) oil and gas production and (e) mining where the mining operations impact or potentially impact water quality. Please find below a list of the program titles and a brief description of each program:

1. National Pollution Discharge Elimination System (NPDES) Permitting – This is a national EPA water pollution prevention program that regulates the direct discharge of wastewater into rivers and streams. In Tennessee, EPA has granted the Department the authority to implement the federal water pollution control regulations. The Department receives permit applications from business, industry, city, county, state and federal governments and other entities who wish to discharge wastewater into rivers and streams. The permitting process evaluates the quality and quantity of the receiving stream, the quality of wastewater to be discharged, the volume of wastewater to be discharged into streams and rivers and if appropriate issues a permit that sets the quantity and quality of wastewater that can be discharged directly into the river or stream. The permit sets discharge standards that allow the receiving stream to continue to meet all its classified uses, domestic water supply, fish and aquatic life, recreational use, etc.
2. Aquatic Resource Alteration Program (ARAP) Permitting – This is a state program that requires anyone who wants to alter the chemical, biological, and/or physical properties of a stream or change the flow of a stream to receive permission from the Department via a permit before any activity begins. Examples of activities that require ARAP permits are changes in stream course, construction in streams (road projects, building projects) and altering the channel of a stream. The Department only approves permit applications for the activity when the quality and the quantity of the river or stream is protected.
3. State Operating Program (SOP) Permits – This is a state program that regulates treatment of wastewater when there is no direct discharge of treated wastewater to a river or stream. A common example of this is the collection of wastewater from subdivisions, transport of the wastewater to an on-site wastewater treatment system and then using the treated wastewater to irrigate fields.
4. Stream Identification – As a part of many construction activities, the construction may occur in an area that is possibly a stream. The permit applicant is required to determine whether the location has a wet weather conveyance or a stream. If the applicant determines, through the use of a Qualified Hydrologic Professional, that an area is a wet weather conveyance, the Department has up to thirty (30) days to review the determination and decide if the Department agrees with the private determination.
5. Oil and Gas Permitting – In eastern Tennessee, there are deposits of oil and natural gas below the ground surface. Companies pursue the production of oil and gas by installing wells into these hydrocarbon reservoirs. To ensure that wells are installed to protect public health and environment, particularly ground water, any person installing a well for oil and gas production must apply for and receive a permit from the Department.
6. Mining – The Department does not directly regulate mining activities. However, surface mining often results in surface water runoff which flows directly into streams. When this occurs, the mining operator must obtain a permit from the Department. The permit requires surface water runoff from mining be controlled to prevent stream damage. If the mine has a direct discharge (open pipe) to a stream, then the operator must obtain an NPDES permit before discharging contaminated water into the stream. If mining operations propose to alter a stream, then an Aquatic Resource Alteration Permit is required.

Table 10. provides data for this reporting period for permit completeness review. The Department received 2,419 permit applications to be reviewed for completeness. Completeness determinations were made for 2,206 (91.2%) permit applications within the established time limits. The

Department will concentrate on improving the rate of timely completeness determinations for Aquatic Resource Alteration and Construction Stormwater permit applications. For these permit types, the Department received 1,673 permit applications and made permit completeness determinations for 1,482 (88.5%) permit applications within the established time limits. The Department has had turnover in staff in the Natural Resources Section which processes these permits. Currently, we are in the process of hiring additional staff for this section and brought on board a new manager with a strong background in Aquatic Resource and Construction Stormwater permitting.

Table 11. provides data for this reporting period for permit decision making. During this period, the Department received 3,343 complete permit applications. Final permit decisions were made for 3,138 (93.8%) permit applications. The Department will concentrate on improving the rate of timely Aquatic Resource Alteration Program permit decisions; 642 complete applications received with 602 (93.8%) permit decisions made within established time limits. The Department will also concentrate on improving the rate of timely Wastewater Construction Plans Review, 1,406 complete applications received with 908 (86.8%) plan approvals/denials made within the established time limits. As mentioned earlier, the Department is working to improve the performance of the Natural Resources Section, which processes Aquatic Resource Alteration permit applications. The Department will also evaluate the Wastewater Construction Plans Review process to determine the improvements needed to reach our Customer Focused Government goal of 95% of all permit determinations made within established time limits. One factor that has impacted Wastewater Construction Plans Review is receipt of design criteria from the applicant that the Department finds either insufficient or additional information is needed before a final decision can be made. In these cases, the permit clock continues but the Department cannot take any further action until additional information is provided by the applicant or the applicant's design engineer.

**Table 10. Surface Water Program - Permit Applications and Modification
Compliance with Permit Completeness Review Time Limits**

Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
ARAP								
Individual Permit Processing	10	49	59	30	4	39	16	70.9%
General Permit Processing	85	514	599	30	34	499	66	88.3%
Total	95	563	658		38	538	82	86.8%
Construction Storm Water								
General Permit	5	1047	1052	30	0	943	109	89.6%
Individual	0	1	1	30	0	1	0	100.0%
Total	5	1048	1053		0	944	109	89.6%
Industrial Storm Water - TMSP								
TMSP	0	147	147	30	0	146	1	99.3%
Ready-Mix Concrete (RMCP)								
RMCP	0	4	4	30	0	4	0	100.0%
Hydrostatic Testing GP								
Hydrostatic	0	10	10	30	0	10	0	100.0%
Interbasin Water Transfer								
IWT	0	0	0	30	0	0	0	NA

Table 10. Surface Water Program - Permit Applications and Modification - Continued								
Compliance with Permit Completeness Review Time Limits								
Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
MS4 General Permit								
MS4 GP	0	2	2	30	0	2	0	100.0%
Pesticide General Permit								
TNP	0	2	2	30	0	2	0	100.0%
UST General Permit								
UST	37	49	86	30	0	80	6	93.0%
Water Treatment Plant Backwash								
WTP General Permit	0	2	2	30	0	2	0	100.0%
Conc. Animal Feeding Operations								
CAFO-Individual	0	1	1	30	0	0	1	0.0%
All other CAFO Types	2	27	29	30	0	27	2	93.1%
Total	2	28	30		0	27	3	90.0%

Table 10. Surface Water Program - Permit Applications and Modification - Continued

Compliance with Permit Completeness Review Time Limits

Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
INDIVIDUAL NPDES Permits - Major								
Municipal - POTW	1	13	14	30	0	14	0	100.0%
Municipal - Domestic Wastewater	0	0	0	30	0	0	0	NA
Primary Industry	1	7	8	30	0	8	0	100.0%
Secondary Industry w/ELGs	1	0	1	30	0	1	0	100.0%
Secondary Industry w/o ELG	0	1	1	30	0	1	0	100.0%
Total	3	21	24		0	24	0	100.0%
INDIVIDUAL NPDES Permits - Minor								
Municipal - POTW	3	19	22	30	0	22	0	100.0%
Municipal - Domestic Wastewater	2	21	23	30	0	21	2	91.3%
Primary Industry	1	6	7	30	0	7	0	100.0%
Secondary Industry w/ELGs	1	0	1	30	0	1	0	100.0%
Secondary Industry w/o ELGs	2	12	14	30	0	14	0	100.0%
Total	9	58	67		0	65	2	97.0%

Table 10. Surface Water Program - Permit Applications and Modification - Continued								
Compliance with Permit Completeness Review Time Limits								
Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Non Discharging Facilities – State Operating Permits (SOP)								
Collection System	0	10	10	30	0	5	5	50.0%
Drip Irrigation	0	0	0	30	0	0	0	NA
Pump and Haul	1	3	4	30	0	3	1	75.0%
Spray Irrigation	0	0	0	30	0	0	0	NA
All other SOP types	0	11	11	30	0	7	4	63.6%
Total	1	24	25		0	15	10	60.0%
Oil and Gas								
Permit Applications	0	64	64	30	0	64	0	100.0%
Change of Operators	0	89	89	30	0	89	0	100.0%
Amend Well Permits	0	11	11	30	0	11	0	100.0%
Bonding	0	64	64	30	0	64	0	100.0%
Total	0	228	228		0	228	0	100.0%
Mining								
Coal	13	21	34	30	0	34	0	100.0%
Non-coal	45	40	85	30	0	85	0	100.0%
Total	58	61	119		0	119	0	100.0%
Grand Total	210	2247	2457		38	2206	213	91.2%

Table 11. Surface Water Permit Applications and Modifications

Compliance with Permit Decision Time Limits

PERMIT APPLICATIONS & MODIFICATIONS	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
ARAP								
Individual Permit Processing	10	49	59	90	5	41	13	75.9%
General Permit Processing	85	514	599	30	11	561	27	95.4%
Total	95	563	658		16	602	40	93.8%
Construction Storm Water								
General	58	1047	1105	30	0	1080	25	97.7%
Individual	0	1	1	30	0	1	0	100.0%
Total	58	1048	1106		0	1081	25	97.7%
Industrial Storm Water - TMSP								
TMSP	3	1	4	15	0	4	0	100.0%
Ready-Mix Concrete (RMCP)								
RMCP	0	4	4	30	0	4	0	100.0%
Hydrostatic Testing GP								
Hydrostatic	0	10	10	15	0	10	0	100.0%
Interbasin Water Transfer								
IWT	0	0	0	0	0	0	0	NA
MS4 General Permit								
MS4 GP	0	2	2	365	0	2	0	100.0%
Pesticide General Permit								
TNP	0	2	2	30	0	2	0	100.0%

Table 11. Surface Water Permit Applications and Modifications - Continued**Compliance with Permit Decision Time Limits**

PERMIT APPLICATIONS & MODIFICATIONS	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
UST General Permit								
UST	37	49	86	30	0	86	0	100.0%
Water Treatment Plant Backwash								
WTP General Permit	0	2	2	30	0	2	0	100.0%
Conc. Animal Feeding Operations								
Individual	0	1	1	180	0	0	1	0.0%
All other CAFO Types	27	2	29	30		27	2	93.1%
Total	27	3	30		0	27	3	90.0%
INDIVIDUAL NPDES Permits - MAJOR Facilities								
Municipal - POTW	1	13	14	365	0	14	0	100.0%
Municipal - Domestic Wastewater	0	0	0	365	0	0	0	NA
Primary Industry	1	7	8	365	0	8	0	100.0%
Secondary Industry w/ELGs	1	3	4	365	0	4	0	100.0%
Secondary Industry w/o ELG	0	1	1	365	0	1	0	100.0%
Total	3	24	27		0	27	0	100.0%

Table 11. Surface Water Permit Applications and Modifications - Continued**Compliance with Permit Decision Time Limits**

PERMIT APPLICATIONS & MODIFICATIONS	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
INDIVIDUAL NPDES Permits - MINOR Facilities								
Municipal - POTW	3	19	22	180	0	22	0	100.0%
Municipal - Domestic WWTP	2	21	23	180	0	23	0	100.0%
Primary Industry	1	6	7	180	0	7	0	100.0%
Secondary Industry - ELGs	1	3	4	180	0	4	0	100.0%
Secondary Industry w/o ELGs	2	12	14	180	0	14	0	100.0%
Total	9	61	70		0	70	0	100.0%
Non Discharging Facilities – State Operating Permits								
Collection System	0	10	10	180	0	10	0	100.0%
Drip Irrigation	0	0	0	180	0	0	0	NA
Pump and Haul	1	3	4	180	0	3	1	75.0%
Spray Irrigation	0	0	0	180	0	0	0	NA
All other SOP types	0	11	11	180	0	11	0	100.0%
Total	1	24	25		0	24	1	96.0%
Oil and Gas								
Permit Applications	0	64	64	0	0	64	0	100.0%
Change of Operators	0	89	89	0	0	89	0	100.0%
Amend Well Permits	0	11	11	0	0	11	0	100.0%
Bonding	0	64	64	0	0	64	0	100.0%
Total	0	228	228		0	228	0	100.0%

Table 11. Surface Water Permit Applications and Modifications - Continued

Compliance with Permit Decision Time Limits

PERMIT APPLICATIONS & MODIFICATIONS	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Mining								
Coal, major	0	0	0	365	0	0	0	NA
Coal, minor* 365 with hearing	0	13	21	180	0	21	0	100.0%
Non-coal	0	45	40	180	0	40	0	100.0%
Total	0	58	61		0	61	0	100.0%
Plans Review								
Receipt and Return of Plans	77	264	341	30	54	250	37	87.1%
Plan assignment and assessments	0	287	287	30	0	287	0	100.0%
Review and Approval of Plans	0	287	287	30	0	250	37	87.1%
Review and Acknowledgement of City Reviews	0	119	119	30	0	119	0	100.0%
CDBG Application Reviews & Acknowledgements	55	0	55	30	0	0	55	NA
Drip System Field Work and study	0	0	0	30	0	0	0	NA
CMOMs, SORPs, CAP-ERs	1	10	11	30	0	2	9	18.2%
Technical Presentations	0	0	0	30	0	0	0	NA
Total	133	967	1100	30	54	908	138	86.8%
Grand Total	366	3046	3415		70	3138	207	93.8%

PUBLIC DRINKING WATER

The Department is responsible for ensuring that Tennesseans have a safe and plentiful source of drinking water. More than 5,000,000 people depend upon public water supply systems for their drinking water. Implementation of the Safe Drinking Water regulations ensures that public water systems provide their customers (businesses, industry and local citizens) with water that is safe to drink, has adequate pressure and that water from the public water systems is available in quantities to meet the needs of local citizens and industries. The regulation of fluids injected into the subsurface via our Underground Injection Control Program ensures that no liquids or gases are injected into ground water that cause contamination and render the ground water as unsafe for use as a drinking water supply. Regulation of underground injection prevents the injection of fluids in a manner that may adversely impact public health or the environment. The third component of the Water Supply Program is the regulation of dams, under the Dam Safety Act. The Department regulates dams that are not regulated by the federal government, reservoirs that are above a specific size and that do not qualify as farm ponds.

The data for this reporting period for permit completeness review and permit decisions is presented in Tables 12. and 13. During this reporting period, the Department reviewed all permit applications and plans for completeness within the regulatory time period. This included 734 permit completeness determinations and 734 final permit decisions.

Table 12. Public Drinking Water Program - Permit Applications and Modification

Compliance with Permit Completeness Review Time Limits

Permit Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Applications Under Review Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Water System Plans Approval	30	630	660	30	0	660	0	100.0%
UIC Permits								
Class I Construction Permit	0	0	0	90	0	0	0	NA
Class I Operating Permit (existing)	0	0	0	90	0	0	0	NA
Class I Operating Permit (new)	0	0	0	90	0	0	0	NA
Class I Renewal Permit	0	0	0	90	0	0	0	NA
Class I Abandonment	0	0	0	90	0	0	0	NA
Class II Permit Application	0	0	0	90	0	0	0	NA
Class II – Permit Renewal	0	0	0	60	0	0	0	NA
Class II Modification	0	0	0	60	0	0	0	NA
Class III Permit Application	0	0	0	90	0	0	0	NA
Class III Permit renewal	0	0	0	90	0	0	0	NA
Class III Modification	0	0	0	90	0	0	0	NA
Class V – Innovative Technology (Dye Trace)	1	7	8	60	0	8	0	100.0%
Class V – Storm Water	2	9	11	60	0	11	0	100.0%
Class V - Geothermal Wells	0	0	0	60	0	0	0	NA

Table 12. Public Drinking Water Program - Permit Applications and Modification**Compliance with Permit Completeness Review Time Limits - Continued**

Permit Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Completeness Review – Time in Days per Rule	Review Time not expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Class V – Infiltration	0	0	0	60	0	0	0	NA
Class V - Large Septic Systems/SFDS	2	21	23	60	0	23	0	100.0%
Class V - Remediation	0	3	3	60	0	3	0	100.0%
Class V – Change of Owner	0	0	0	60	0	0	0	NA
Class V – Modification of recharge Point	2	24	26	60	0	26	0	100.0%
Total	7	64	71		0	71	0	100.0%
Safe Dams Permitting								
Construction of New Dams	0	0	0	NA	0	0	0	NA
Alteration of Existing Dams	0	3	3	NA	0	3	0	100.0%
Total	0	3	3		0	3	0	100.0%
Grand Total								
	37	697	734		0	734	0	100.0%

Table 13. Drinking Water Permit Applications and Modifications

Compliance with Permit Decision Time Limits

Permit Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Water System Plans Approval	30	630	660	30	0	660	0	100.0%
UIC Permits								
Class I Permit - Construction Permit	0	0	0	180	0	0	0	NA
Class I Operating Permit (existing)	0	0	0	180	0	0	0	NA
Class I Operating Permit (new)	0	0	0	90	0	0	0	NA
Class I Renewal Permit	0	0	0	90	0	0	0	NA
Class I Abandonment	0	0	0	90	0	0	0	NA
Class II Construction Permit	0	0	0		0	0	0	NA
Class II – Permit Renewal	0	0	0	60	0	0	0	NA
Class II Modification	0	0	0	60	0	0	0	NA
Class III Permit Application	0	0	0		0	0	0	NA
Class III Permit renewal	0	0	0	90	0	0	0	NA
Class III Modification	0	0	0	90	0	0	0	NA

Table 13. Drinking Water Permit Applications and Modifications**Compliance with Permit Decision Time Limits - Continued**

Permit Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Class V – Innovative Technology (Dye Trace)	1	7	8	60	0	8	0	100.0%
Class V – Storm Water	2	9	11	60	0	11	0	100.0%
Class V - Geothermal Wells	0	0	0	60	0	0	0	NA
Class V – Infiltration	0	0	0	60	0	0	0	NA
Class V - Large Septic Systems/SFDS	2	21	23	60	0	23	0	100.0%
Class V - Remediation	0	3	3	60	0	3	0	100.0%
Class V – Change of Owner	0	0	0	60	0	0	0	NA
Class V – Modification of recharge Point	2	24	26	60	0	26	0	100.0%
Total	7	64	71		0	71	0	100.0%
Safe Dams Permitting								
Construction of New Dams	0	0	0	60	0	0	0	NA
Alteration of Existing Dams	0	3	3	60	0	3	0	100.0%
Total	0	3	3		0	3	0	100.0%
Grand Total	37	697	734		0	734	0	100.0%

SUBSURFACE SEWAGE

The Department implements the Subsurface Sewage Disposal regulations within the Water Resources Division. The Subsurface Sewage Disposal (SSD) Program reviews applications for the disposal of domestic sewage via a septic tank and field lines. The SSD Program provides for the proper collection and treatment of domestic wastewater in areas without wastewater treatment plants and wastewater collection systems (sewer lines). The SSD Program ensures that when SSD systems are installed, domestic wastewater is treated properly. When SSD systems fail in areas without public sewer service, then realistically, the home or business is no longer habitable because wastewater from the home or business cannot be treated. This also greatly reduces the value of the home or business due to lack of wastewater treatment. When SSD systems fail, untreated wastewater comes to the ground surface which creates a public health hazard.

Each year thousands of permit applications are received for SSD systems in areas of the state without public sewer service. Once the SSD Program receives a permit application, the Department evaluates the property where the SSD system will be installed. This review ensures that soil on the property where a home or business will be built can effectively treat the volume of wastewater generated by the home or business. The Department also visits the property and provides the applicant with a drawing that lays out where the septic tank and field lines should be installed. Once the permit application is approved, the Department visits the site during construction to ensure the system is installed properly, including the location and depth of the field lines. Once the SSD system has been installed, the Department then performs a final inspection. If the SSD system has been installed properly then the Department provides the permit applicant with a final permit. Many times, a property developer plans to build a subdivision with several homes. In these cases, the Department reviews the property to be developed, with an emphasis on the type and depth of soil cover. From this soil analysis, the Department determines the size and number of lots that can be used for home construction. In many cases a private Soils Scientist performs this work. Under such circumstances, the Department reviews the Soils Scientist's plan to ensure that the property has been properly evaluated.

The Department issues licenses to persons who install SSD systems and persons who remove waste from septic tanks once the tank is full or nearly full of solid material. SSD installers are required to pass a test administered by the Department and demonstrate their ability to properly install SSD systems before receiving an SSD installer's license. The Department licenses people who "pump" septic tanks to ensure the "pumper" understands that the solid material removed from septic tanks must be disposed of properly. In situations where the solid material "pumped" from septic tanks cannot be taken to a local wastewater treatment plant, the Department receives requests to permit sites for domestic sewage disposal. When the Department receives these applications, the soil type and depth of soil on the proposed site is evaluated to determine if the waste material can be safely disposed. Once a site has been approved for disposal of waste material, the Department provides the applicant with a drawing for construction of trenches for disposal.

For SSD permit applications, completeness review of the permit application and the decision to issue or deny a permit are made at the same time. Table 14 provides the SSD permitting activity for this reporting period. The Department received 10,170 SSD permit applications and made final permit decisions for 10,148 (99.7%) of the applications within established time limits. This is 15% increase in efficiency since February 2013. The improvement in permitting efficiency comes from resolution of a state wide mandate regarding proof of citizen or approval to legally be in the United States.

Table 14. Subsurface Sewage Permit Applications and Modifications

Compliance with Permit Decision Time Limits

	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Conventional SSD Permits	0	3094	3094	45 days (rule)	0	3094	0	100.0%
Alternative SSD Permits	0	8	8	45 days (rule)	0	8	0	100.0%
Experimental SSD Permits	0	0	0	45 days (rule)	0	0	0	NA
Subdivision Evaluation #of lots	0	428	428	30 days	0	428	0	100.0%
General Intensity Soil Map	0	0	0	30 days	0	0	0	NA
High Intensity Soil Map	0	28	28	30 days	0	28	0	100.0%
Extra High Intensity Soil Map	0	6	6	30 days	0	6	0	100.0%
Inspection of Existing System	0	211	211	10 days	0	211	0	100.0%
Septic Tank Installer	18	971	989	45 days (rule)	18	945	26	97.3%
Septic Tank Pumper	3	102	105	45 days (rule)	3	97	5	95.1%

Table 14. Subsurface Sewage Permit Applications and Modifications								
Compliance with Permit Decision Time Limits - Continued								
	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Permit Decision Time Limit – in Days per Rule	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Water Samples - Mail	0	179	179	5 days	0	179	0	100.0%
Water Samples – Direct Delivery	0	6	6	5 days	0	6	0	100.0%
Plan Review	0	11	11	45 days (rule)	0	11	0	100.0%
Plat Approval – # of single lots	0	618	618	10 days	0	617	1	99.8%
Domestic Sewage Site Permit	0	1	1	45 days (rule)	0	1	0	100.0%
Training per event	0	0	0	45 days	0	0	0	NA
Certification of existing system	0	363	363	10 days	0	363	0	100.0%
Final Inspection - Conventional	0	4140	4140	3 days	0	4140	0	100.0%
Final Inspection - Alternative	0	14	14	3 days	0	14	0	100.0%
Total	21	10180	10201			10148	32	99.7%

CONCLUSIONS

The Department has had great success in meeting the statutory and regulatory time limits for reviewing permit applications for completeness and for making permit decisions during this reporting period. Tables 15 and 16 below, provide summary information for performing permit application completeness reviews and making permit decisions. The Department reviewed 96.5% (5,931 of 6,144) of permit applications received for completeness within established time limits. This is a 5% improvement from our February 2013 report. The Department approved/denied 97.5% (18,205 of 18,663) of all complete permit applications within established limits.

There are two program areas that need permitting process improvement; Air Pollution Control and Surface Water. For Air Pollution permitting (as discussed earlier), the Department plans to reorganize the Permitting Section, implement the Technical Track Initiative and focus our best technical experts on permitting. The Department also believes that implementation of General Permits for Air permitting and making changes in the permitting process identified in LEAN events will increase permitting efficiency.

For our Surface Water Program, the Department will work to improve permitting processes and efficiencies in the Aquatic Resource Alteration, Construction Stormwater and Wastewater Construction Plans Review Programs. We believe filling vacancies, promotion of skilled technical staff and assessing permitting processes, identifying opportunities for improvement and making needed process changes in a timely manner will improve our performance in this program.

Should anyone have questions, comments or concerns about this report, please feel free to initially contact Chuck Head with the Department's Bureau of Environment. You may contact Chuck at:

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Table 15. Compliance with Environmental Permitting Application and Modification Requirements							
Compliance with Permit Completeness Review Time Limits							
Permit Application Type	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Total Applications for Completeness Review thru 12/31/13	Applications Under Review - Time Frame has not Expired	Applications Reviewed for Completeness within the Regulatory Time Limit	Applications Not Reviewed for Completeness within Regulatory Time Limit	% Applications Reviewed For Completeness within Time Limits
Solid Waste Program	37	703	740	0	740	0	100.0%
Hazardous Waste Program	0	249	249	133	116	0	100.0%
Radiological Health Program	0	1374	1374	0	1374	0	100.0%
Air Pollution Program	341	420	761	0	761	0	100.0%
Surface Water Program	210	2247	2457	38	2206	213	91.2%
Drinking Water Program	37	697	734	0	734	0	100.0%
Total	625	5690	6315	171	5931	213	96.5%

Table 16. Total Environmental Permit Applications and Modifications							
Compliance with Permit Decision Time Limits							
	Applications on Hand – 7/1/13	Applications Received between 7/1/13 and 12/31/13	Applications to be Reviewed thru 12/31/13	Applications Under Review - Time Frame has not Expired	Application Decision Completed within Regulatory Time Limit	Application Decisions not Completed within Regulatory Time Limit	% Applications Decisions Completed within Regulatory Time Limits
Solid Waste	11	270	281	17	263	1	99.6%
Hazardous Waste	0	249	249	133	116	0	100.0%
Toxic Substances	127	1869	1996	0	1996	0	100.0%
Radiological Health	0	1374	1374	0	1374	0	100.0%
Air Pollution Control	458	485	943	287	436	218	66.7%
Surface Water	366	3046	3415	70	3138	207	93.8%
Drinking Water	37	697	734	0	734	0	100.0%
Subsurface Sewage	21	10180	10201	21	10148	32	99.7%
Total	1020	18170	19193	528	18205	458	97.5%

Appendix 1.

2012 Amendment to the Department of Environment and Conservation Statute - Review of Permits for Completeness and Permit Decisions

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

Tenn. Code Ann. § 4-3-506 (2012)

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

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

HISTORY: Acts 2012, ch. 980, § 1