# Tennessee Department of Environment and Conservation

# FY 2023/2024

# Semiannual Environmental Permitting Efficiency Report

**David W. Salyers, P.E. Commissioner**

**Greg Young, Deputy Commissioner, Bureau of Environment**

**February 1, 2024**

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# Tennessee Department of Environment and Conservation
# FY 2023/2024 Semiannual Environmental Permitting Report

## EXECUTIVE SUMMARY

The Tennessee Department of Environment & Conservation (TDEC) 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 the quality of life through the education of citizens and the regulated community, conserve our natural resources, and ensure effective implementation of state and federally delegated environmental laws.

Environmental permitting is an important component of TDEC's mission to protect Tennessee's natural resources and preserve the quality of life, making Tennessee an attractive place to work, live, and play. Timely and effective issuance of environmental permits is critical to protecting our environment, 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. There are regulatory and statutory time limits set forth in statutes and rules that TDEC is required to meet when making final determinations for permit application completeness and final permit decisions.

Tennessee Code Annotated Section 4-3-506 (see Appendix 2) requires TDEC to provide the Governor and General Assembly with environmental permitting reports twice per fiscal year. The Semiannual Environmental Permit Reporting period is from July 1st to December 31st of each Fiscal Year. The Annual Environmental Permitting Reporting period is from July 1st through June 30th of each Fiscal Year.

This Semiannual report covers: (1) the number of permit completeness determinations made during the first six months of FY 2023/2024 and the number of permit completeness decisions made that exceeded the statutory and/or regulatory time limits; and (2) the number of final permit decisions to approve/deny permit applications made during the first six months of FY 2023/2024 and the number of final permit decisions to approve/deny permit applications exceeding statutory and/or regulatory time limits. For this report, all metrics have been combined for each division. The information presented provides a comprehensive view of TDEC's effectiveness in meeting statutory and regulatory time limits for permit completeness and final permit decisions from July 1 through December 31, 2023.

Appendix 1 provides environmental permitting information by division for the July 1 to December 31, 2023, time period.

Listed below are the regulations TDEC is required to follow for permit completeness review and final permit application decisions.

| Regulatory Citations for Permit Completeness Review and Permit Decisions | |
|---|---|
| **Rule** | **Rule Number** |
| Solid Waste Regulations | Rules 0400-11-01-07(6) |
| Hazardous Waste Regulations | Rules 0400-12-01-.04(2), .05(7), .07(7) and (9), and .08(3) |
| Hazardous Waste Regulations | Rules 0400-12-02 -.02(3) |
| Air Pollution Control | Rules 1200-03-09-.02 and 1200-03-26-.02 |
| Underground Injection Control | Rules 0400-45-06 -.01 through .19 |
| Subsurface Sewage Disposal | Rules 0400-48-01-.01 through -.24 |
| Water Resources | Rule Chapters 0400-40-01, 0400-40-03 through -16 |
| Mineral & Geologic Resources | Rule Chapters 0400-40-01 through -05, 0400-40-07 through -11, and 0400-40-18 |

## DIVISION OF SOLID WASTE MANAGEMENT

The Division of Solid Waste Management (SWM) is responsible for four distinct regulatory programs implemented under the authority of different environmental statutes and regulations: (1) the TN Solid Waste Disposal Act, Tenn. Code Ann. § 68-211-101 et. seq., and the pursuant regulations 0400-11-01 .01 through .13; and (2) the TN Hazardous Waste Management Act, Tenn. Code Ann. § 68-212- 101 et. seq., and the pursuant regulations 0400-12-01-.01 through .12 and 0400-12-02 -.01 through .3.

### SOLID WASTE PROGRAM

The Solid Waste Program issues permits for processing, storing, and disposing of solid waste in Tennessee. The U.S. Environmental Protection Agency (EPA) Region 4 has approved SWM's Solid Waste Program. TDEC issues Solid Waste permits for Solid Waste Processing facilities, Convenience Centers, Composting Operations and Demolition, and Industrial and Municipal Solid Waste Landfills. SWM also reviews and approves/denies requests to dispose of "special waste" in regulated landfills. The permits and special waste approvals issued by

SWM for solid waste management are an integral part of preventing the illegal disposal of solid wastes in Tennessee. Requiring solid waste facilities to submit a permit application for review and approval ensures that solid waste facilities are properly designed. Properly designed and constructed solid waste facilities per permit requirements protect public health and the environment from initial facility construction through operation, facility closure, and long-term closure monitoring.

Proper disposal of solid waste ensures the protection of public health and the environment. Members of the regulated community either pursuing a new facility permit or modifying an existing facility permit are required to submit permit applications and permit modifications and then receive approval from SWM before beginning construction or expansion activities. Under the Solid Waste regulations, SWM has regulatory and statutory time limits to (1) review permit applications and modifications for completeness (2) to approve or deny permit applications and modifications.

## HAZARDOUS WASTE PROGRAM

The Hazardous Waste Program issues permits for hazardous waste processing, storage, transport, treatment, and disposal. SWM received a delegation from EPA Region 4 to serve as the primary regulatory authority for the implementation of the federal hazardous waste regulations in Tennessee. Hazardous Waste Management permits are an integral part of preventing the illegal disposal of hazardous wastes in our state. Transport, treatment, and disposal of hazardous waste under specified permit conditions helps ensure that hazardous wastes are transported, stored, treated, and/or disposed of properly, thus protecting public health and the environment.

Members of the regulated community pursuing a new Hazardous Waste facility permit or modification of an existing facility permit are required to submit a permit application. Construction activities at a facility should not begin until the applicant has permit approval from SWM for the new facility or modifications of the existing facilities.

## PERMITTING METRICS

Table 1. reports SWM's success in meeting regulatory and statutory time limits for the review of permit applications for completeness. SWM made permit application completeness determinations for 100% of the permit applications (67 of 67) within regulatory and statutory time limits for this reporting period.

Table 2. reports SWM's success rate for making final permit decisions within regulatory and statutory time limits. SWM made final permit decisions for 100**%** of the permit applications (560 of 560) within regulatory and statutory time limits for this reporting period.

## DIVISION OF AIR POLLUTION CONTROL

The Division of Air Pollution Control (APC) is responsible for issuing permits to facilities with emissions from their operations to the air. Authority for the implementation of the APC permitting programs is granted via: (1) the Tennessee Air Quality Act, Tenn. Code Ann. § 68-201- 101 et.seq; and (2) Tennessee Chapters 1200-03-01 through 36 and 0400-30-17 through 39.

### AIR POLLUTION CONTROL PERMITTING PROGRAM

APC is responsible for maintaining the air quality across the state to protect public health and the environment. As a part of the Air Pollution Control regulatory program, APC works with businesses, 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 that produces air emissions. APC issues permits for sources that generate air pollution. Given the complexity of air quality analysis and the need to protect our natural resources, APC 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. EPA Region 4 office granted TDEC the authority to implement federal air pollution control regulations promulgated under the Clean Air Act. APC is responsible for the implementation of the federal air pollution regulations authorized via the delegation. APC issues or denies permit applications to release air contaminants into the atmosphere.

Given that clean air is important to Tennesseans, the EPA and TDEC have developed air emission standards that limit the amount of emissions released into the atmosphere to protect public health and the environment. During the air permitting process, APC reviews permit applications and modifications for completeness. Once APC determines a permit application is complete (or an application automatically becomes complete), APC is required to approve or deny the permit request within specific regulatory and statutory time limits. For some permit types, APC is required to exchange permit applications/modifications with the EPA. Making permit decisions within regulatory and statutory time limits helps Tennessee be competitive in recruiting new businesses and industries to the state, as well as retaining current businesses and industries.

### PERMITTING METRICS

Table 1. reports APC's success in meeting the time limit to determine if APC Construction and Major source operating permit applications and Significant Modifications are complete. (True Minor and Conditional Major Source applications and modifications do not have regulatory completeness deadlines.) During this reporting period, APC made final completeness determinations for 98.1% of all permit applications (170 of 173) within the statutory and regulatory time limits.

Table 2. reports APC's success rate for making Final Permit decisions for construction permits and Major Source operating permits and modifications. (True Minor and Conditional Major permits and modifications.) For this reporting period, 55.2% of all complete permit applications (364 of 458) were approved or denied within the regulatory and statutory time limits for this reporting period.

The aforementioned noncompliance with the specified time frames was due to the following:

- Some permits were affected because of an APC oversight in identifying fees that were missing until after the 30-day completeness deadline.
- Other permit applications were submitted incorrectly as operating renewals instead of construction permits causing undue delays.
- Most delayed operating permits were a result of prioritizing APC efforts on the large volume of new construction permit applications.
- Other delays stem from the current APC resource shortfall.

APC is making significant improvements in meeting the permit decision regulatory and statutory time limits set in regulation. This will be accomplished with business process improvement using LEAN, better use of the APC database SMOGLOG, which tracks permit application receipt and progress, and an emphasis on employee accountability. APC continues to implement ideas and business process improvements to meet the regulatory and statutory time limits for permit decisions including:

1. Conducting additional LEAN events to improve permit business processes.
2. Developing general permits that require less time for the regulated community and APC to review but that provide the same level of public health and environmental protection.
3. Re-organizing the Division's Permitting Program, increasing the number of permit writers and decreasing the number of managers.
4. Changing the TN APC regulations to allow the adoption by reference changes in the EPA Air Pollution Control regulations; specifically, changes that allow registration of certain industries that have very low air emissions rather than requiring both construction and operating permits of those industries.

## DIVISION OF WATER RESOURCES

The Division of Water Resources (DWR) is responsible for issuing permits for wastewater collection and treatment, drinking water treatment and distribution, alteration of streams, installing water wells, treating wastewater from individual homes or businesses, and disposal of water underground. For each of these program areas, DWR is authorized to review the planned activity and either approve or deny the activity via a permit decision. Authority for implementation of the DWR permitting programs is granted via: (1) the TN Subsurface Sewage Act, Tenn. Code Ann. §§ 68-221-401 to -419, and Rule Chapter 0400-48-01; (2) the TN Safe Drinking Water Act, Tenn. Code Ann. §§ 68-221-701 to -720, and Rule Chapter 0400-45-06; (3) the TN Water Quality Control Act, Tenn. Code Ann. §§ 69-3-101 to -148, and Rule Chapters

0400-40-01 through 18 and 0400-45-06; and (4) the TN Water Well Driller's Act, Tenn. Code Ann. §§ 69-10-101 to -112.

TDEC, through DWR, 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 more businesses and industries come to Tennessee and our state population grows, our state is challenged with continuing to provide the amount of water needed and ensuring the quality of the water provided. Businesses and industries find Tennessee a great place to operate because of its bountiful supply of water. Providing drinking water to our citizens, ensuring business and industry have 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.

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMITTING (NPDES)

This is a national EPA water pollution prevention program that regulates the direct discharge of wastewater into rivers and streams. EPA granted DWR the authority to implement the federal water pollution control regulations in Tennessee. Over 6,900,000 Tennesseans depend upon local utilities to collect and properly treat wastewater from their homes and businesses. DWR receives permit applications from business, industry, city, county, state and federal governments, and other entities that wish to discharge wastewater into rivers and streams. The permitting process evaluates the quality and quantity of the receiving stream and the quantity and quality of wastewater discharged into rivers and streams to determine if said wastewater may be discharged into a stream. TDEC, via the permit, sets the quantity and quality of wastewater discharged by a permittee directly into a river or stream. This ensures the receiving stream continues to meet all classified uses including domestic water supply, fish and aquatic life, recreational use, etc.

## SUBSURFACE SEWAGE DISPOSAL (SSDS) PROGRAM

DWR implements the SSDS regulations, including the review of permit applications for the disposal of domestic sewage via septic tank and field lines. The SSDS Program provides for the proper collection and treatment of domestic wastewater in areas without wastewater treatment plants and wastewater collection systems (sewer lines). The SSDS Program ensures SSD systems are installed that properly treat domestic wastewater. 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, creating a public health hazard.

## AQUATIC RESOURCES ALTERATION PERMITTING PROGRAM (ARAP)

DWR oversees any actions that alter the physical, chemical, biological, or radiological characteristics of streams, or the withdrawal of water from streams. DWR regulates these activities by reviewing permit applications from persons who wish to alter streams. Examples of activities that require ARAP permits are changes in stream course, construction in streams (e.g., road projects, building projects), and altering a stream's channel. TDEC approves permit applications for the activity only when the permit protects the quality and the quantity of the river or stream.

## STATE OPERATING PERMIT (SOP) PROGRAM

DWR oversees both the treatment of wastewater and the disposal of the treated wastewater by spray irrigation, drip irrigation, or dispersal below the surface of the ground. This form of wastewater treatment is only used in areas where there is not a local stream nearby, or the stream cannot accept the volume of wastewater that would be discharged into the stream without affecting the stream's health. DWR ensures that the soil in the area of wastewater dispersal can effectively absorb the wastewater and that public health and the environment are protected. A common example of wastewater treatment via a State Operating Permit is collecting wastewater from subdivisions, transporting the wastewater to an on-site wastewater treatment system, and then using the treated wastewater to irrigate fields.

## NON-POINT SOURCE POLLUTION PREVENTION

In this program, DWR requires persons to obtain a permit to ensure that when rainfall events occur, proper controls are in place to prevent surface water from running into local streams and causing pollution. Non-point source pollution occurs when there is heavy rainfall and pollutants are transported in the runoff from parking lots, construction sites, Concentrated Animal Feeding Operations (CAFOs), etc. Construction stormwater runoff causes siltation of streams, which affects plant and animal life at the bottom of the stream. Surface water runoff also transports nutrients such as nitrates and phosphates into streams. These nutrients promote increased algae growth that lowers the water quality of the stream. When the nutrient levels in the stream decrease, the algae dies, causing taste and odor problems in the stream as well as the death of aquatic organisms due to the decreased availability of oxygen as algae decomposes.

## UNDERGROUND INJECTION CONTROL

The Underground Injection Control (UIC) Program ensures that liquids or gases injected into ground water do not cause ground water contamination and that ground water does not become unusable as a source of drinking water. Regulation of underground injection prevents the injection of fluids in a manner that may adversely affect public health or the environment.

## PERMITTING METRICS

Table 1. reports DWR's success in meeting regulatory and statutory time limits for the review of applications for completeness. DWR made permit application completeness determinations

for 95.7% of the permit applications (4,346 of 4,509) within regulatory and statutory time limits for this reporting period.

Table 2. reports DWR's success rate for making final permit decisions within regulatory and statutory time limits. DWR made final permit decisions for 99.5**%** of the permit applications (10,110 of 10,155) within regulatory and statutory time limits for this reporting period.

The aforementioned noncompliance with the specified time frames was due to the following:

- ARAP: Permits in the ARAP process were delayed due to unit understaffing and frequent staff turnover. DWR will continue to add and train additional staff to accommodate the workload.
- Construction Storm Water: More than 70% of the Nashville construction storm water permits that missed the 30-day deadline were completed one day later, 31 days. However, Storm Water also suffered from staff oversights, new process adoption following the launch of a new electronic reporting platform MyTDEC Forms.
- TMSP: The single TMSP delay was due to an improper tag in WaterLog system causing a processing delay.
- NPDES: One NPDES permit missed the review deadline by one day which occurred over a weekend. It was marked complete on day 31. Another permit was originally labeled a modification request (365 days deadline) instead of a reissuance, though it missed the reissuance deadline, it was reissued before the permit expired. Others were affected by the wait for new EPA effluent limitation guidelines; the collection and compilation of additional data for copper and Bis(2-ethylhexyl) phthalate, and by the onboarding and training of two new employees.
- SOP: 6 of 252 SOP permits were delayed including one permit application that missed the deadline that occurred over a weekend and was marked complete on day 31. One application sewage activity covered by central office WPC23-0046 was complicated by EFO transient water system concerns affecting the review of drinking water plans and the SOP application. Another permit was delayed awaiting final plans submittal, while others were delayed by staff oversight.
- SSDS: 2 of 7,055 SSDS permits were delayed with the onboarding and training of new staff.
- Domestic Sewage Site: Three domestic sewage permits were delayed by staff oversight.

DWR has made several program improvements to meet or exceed the permit decision regulatory and statutory time limits. These improvements are attributed to business process improvement using LEAN, better use of the DWR databases including WaterLog, LandLog, and Septic GIS, and an emphasis on employee access to new technology that supports a mobile workforce. DWR continues to implement ideas and business process improvements to meet the regulatory and statutory time limits for permit decisions including:

1. Increasing the number of permitting, management, and administrative staff in the Division's SSDS and ARAP programs to assign and review permits more quickly and to respond to customer inquiries timely.

2. Reorganizing SSDS permitting staff from the Memphis to the Jackson region based on permit demand and proximity so staff can mobilize more quickly and with less cost to the state, and
3. Conducting LEAN events and IT solutions to improve the UIC permit business processes.
4. Developing new data management systems using GIS to streamline SSDS inspections and permitting.
5. Developing and implementing new training and onboarding processes for permitting and administrative staff.

## Division Of Mineral & Geologic Resources

The Division of Mineral & Geologic Resources (DMGR) is responsible for ensuring the environmentally sound management, protection, and documentation of the state's mineral, land, and energy resources. The division regulates point source mine wastewater and storm water discharges and surface disturbances related to mining. The division also regulates the underground injection of fluids associated with oil and natural gas production. For each of these program areas, DMGR is authorized to review the planned activity and either approve or deny the activity via a permit decision. Authority for the implementation of the DMGR permitting programs subject to this report is granted via the TN Water Quality Control Act, Tenn. Code Ann. §§ 69-3-101 to -148, and Rule Chapters 0400-40-01 through -05, 0400-40-07 through -11, Chapter 0400-40-18, and Chapter 0400-45-06.

DMGR is regulatorily responsible for not only issuing permits that protect our water quality resources, but it also has the responsibility to ensure that the State's minerals and natural resources are responsibly produced. As more businesses and industries come to Tennessee and our state population grows, our state is challenged with continuing to ensure the required mineral resources to build the critical infrastructure needed to sustain a growing population and economy are responsibly sourced and the state's vast water resources are protected. Tennessee has an abundance of various natural resources that are vital to supporting a growing population and economy. Ensuring access to and responsible production of these resources is a foundational necessity. Wise management of our mineral extraction programs, while ensuring the protection of our water resources, becomes more important every year.

### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMITTING (NPDES – MINING)

This is a national EPA water pollution prevention program that regulates the direct discharge of pollutants into waters of the United States or waters of the state of Tennessee. EPA granted the state of Tennessee and TDEC/DWR the authority to implement the federal water pollution control regulations in Tennessee on December 28, 1977. On July 1, 2022, the TDEC Commissioner designated the Director of DMGR as the "authorized representative" for National Pollutant Discharge Elimination System (NPDES) permits issued pursuant to the Water Quality Control Act of 1977 for facilities and directly related activities with a primary SIC code of 1011, 1021, 1031, 1041, 1044, 1061, 1094, 1099, 1221, 1222, 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, 1474, 1475, 1479, or 1499.

DMGR receives permit applications from persons that wish to discharge treated mine wastewater and storm water into waters of the State. The permitting process evaluates the quality and quantity of the receiving stream and the quality and quantity of treated mine wastewater and storm water discharged to determine if the proposed discharge will meet state water quality standards and if an NDPES permit may be issued to discharge to waters of the State. TDEC, via the permit, establishes protective effluent limitations for the quality of treated mine wastewater and storm water that may be discharged by a permittee directly into the Waters of the State. This ensures the receiving stream continues to meet all classified uses of the receiving stream.

AQUATIC RESOURCES ALTERATION PERMITTING PROGRAM (ARAP)

DMGR oversees any actions that alter the physical, chemical, biological, or radiological characteristics of streams, or the withdrawal of water from streams, for mining-related activity associated with the Primary SIC code of 1011, 1021, 1031, 1041, 1044, 1061, 1094, 1099, 1221, 1222, 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, 1474, 1475, 1479, or 1499. DMGR regulates these activities by reviewing permit applications from persons who wish to alter streams. Examples of activities that require ARAP permits are changes in stream course, construction in streams, and altering a stream's channel. TDEC approves permit applications for the activity only when the permit protects the quality and the quantity of the river or stream.

UNDERGROUND INJECTION CONTROL

The Underground Injection Control (UIC) Program ensures that liquids or gases injected into ground water do not cause ground water contamination and that ground water does not become unusable as a source of drinking water. Regulation of underground injection prevents the injection of fluids in a manner that may adversely affect public health or the environment. DMGR regulates activities from Class II UIC wells. Class II UIC wells are used only to inject fluids associated with oil and natural gas production, which include disposal wells to discard brine, enhanced recovery wells to recover residual oil, and hydrocarbon storage wells to stockpile reserves.

PERMITTING METRICS

Table 1. reports DMGR's success in reviewing applications for completeness within regulatory and statutory time limits. DMGR made permit application completeness determinations for 99.2% of all the permit applications (135 of 136) within regulatory and statutory time limits for this reporting period. There was one exceedance, by one day, of an individual ARAP time limit.

Table 2. reports DMGR's success rate for making final permit decisions within regulatory and statutory time limits. DMGR made final permit decisions for 100% of all the permit applications (70 of 70) within regulatory and statutory time limits for this reporting period.

The aforementioned noncompliance with the specified time frames was due to the following:

- A DMGR permit review deadline was missed by one day. The ARAP required detailed review, as it was for a major project – the first new coal mine in several years – and

encompassed 21 crossings, 2.34 acres of wetland alterations, and over approximately 650 acres.

## FY 2023/2024 Semiannual Environmental Permitting Report Summary

### Permit Completeness Decisions

Of the 4,885 permit applications in TDEC's inventory, the regulatory time limit for 767 Permit Applications for completeness review extended beyond December 31, 2023. The remaining 4,118 permit applications were subject to Permit Completeness decisions on or before December 31, 2023. TDEC made 3,951 Permit Completeness decisions within statutory and regulatory time limits. TDEC did not make permit completeness decisions for 167 permit applications within the statutory and regulatory time limits. TDEC made permit completeness decisions for 95.9% of all permit applications subject to review in this time period. A breakdown by Division of FY 2023/2024 Permit Application Completeness efficiency is provided in Table 1. in Appendix 1.

### Final Permit Decisions

TDEC had an inventory of 11,243 permit applications during the July 1 through December 31, 2023, time period. There were 9,817 permit applications in the inventory subject to the regulatory time limit for deciding to approve or deny the permit applications. TDEC made final decisions to approve or deny for 9,678 permit applications within the regulatory and/or statutory time limits (98.6%). The remaining 139 permit applications were approved or denied after the statutory and regulatory time limits. This information is presented in Table 2. of Appendix 1.

### TDEC Processes

TDEC is committed to meeting the statutory and regulatory time limits for permit completeness review and making final permit decisions. TDEC does its best to provide permit applicants with helpful guidance for completing permit applications. On occasion, correspondence between TDEC and the permit applicant regarding additional information requests for a specific permit application causes TDEC to exceed the time allowed for making permit completeness decisions and/or final permit decisions. While the additional time required to submit crucial permit information may cause TDEC to miss statutory and regulatory permit deadlines, the additional information leads to better permit decisions.

TDEC continues to review its business processes and evaluate methods to both equally distribute workload among staff and provide staff with training opportunities. Another avenue TDEC has pursued and will continue pursuing to increase the number of permit application reviews within regulatory and statutory time limits is the evaluation of the requirements for different types of permits. Where state and federal statutes and rules provide flexibility, TDEC has transitioned and will continue to consider transitioning from individual permits to general permits and permits-by-rule, and possibly remove the requirement for a general permit or

permit-by-rule and replace it with a notification of activity that includes specific reporting and inspection requirements to ensure the protection of public health and the environment.

While TDEC has worked to decrease the time required to make permit decisions, we have not lost sight of the need to focus on the quality of permits and improving our public participation process. The same LEAN analyses that were conducted to improve the timeliness of permit decisions have also led to improved environmental permits that the permittee can more easily read, understand, and implement. We continue to improve our public participation process, including incorporating the assistance of our Regional Directors of External Affairs (EA Directors).

The changes in environmental permitting processes made by TDEC help ensure that environmental permit decisions: (1) are made in a timely manner, respecting the construction and operational schedules; (2) are based on science and fact, providing environmental and public health protections; (3) follow standard procedures to ensure consistency in permit requirements; and (4) are made transparently, maximizing the opportunity for public participation.

We hope the information in this report is of assistance to the Governor, the General Assembly, and the citizenry at large. Should anyone have questions, comments, or concerns about this report, please feel free to contact Peter Roth, BOE Advisor (email peter.roth@tn.gov or phone 615-961-1373).

# Appendix 1.
# Tennessee Department of Environment and Conservation
# FY 2023/2024 Semiannual Permitting Report Tables

| Table 1. Summary of TDEC-Bureau of Environment Permitting Performance<br>FY 2023/2024 Semiannual Environmental Permitting Report - Permit Completeness Decisions | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Permit Applications, Permit Modifications, and Permit Renewal - Completeness Decision Compliance** | | | | | | | | |
| **Environmental Division** | **Permit Applications for Completeness Review on June 30th** | **Permit Applications for Completeness Review Received between July 1st and December 31st** | **Total Permit Applications in House for Permit Completeness Review** | **Permit Applications received for Permit Completions Decisions and the Statutory/ Regulatory Time Limit has not expired during this Reporting Period** | **Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit for this period** | **Permit Application Completeness Decisions exceeding the Statutory and/or Regulatory Time Limit for this period** | **Total Number of Permit Applications in House for Permit Completeness Review this time period** | **% Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit** |
| **APC** | **39** | **134** | **173** | **19** | **151** | **3** | **173** | **98.1%** |
| **DWR** | **0** | **4509** | **4509** | **727** | **3619** | **163** | **4509** | **95.7%** |
| **SWM** | **50** | **17** | **67** | **13** | **54** | **0** | **67** | **100.0%** |
| **DMGR** | **7** | **129** | **136** | **8** | **127** | **1** | **136** | **99.2%** |
| **Totals** | **96** | **4789** | **4885** | **767** | **3951** | **167** | **4885** | **95.9%** |

| Table 2. TDEC - Bureau of Environment Permitting Performance<br>FY 2023/2024 Semiannual Environmental Permitting Report- Final Permit Decisions | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Permit Application, Modification, And Renewal Decisions – Final Permit Decision Compliance** | | | | | | | | |
| **Environmental Division** | **Permit Applications in house for Final Permit Decisions on July 1st** | **Permit Applications Received for Final Permit Decisions between July 1st & December 31st** | **Total Permit Applications in House for Final Permit Decisions this time period** | **Permit Applications received for Final Permit Decisions and the Statutory/ Regulatory Time Limit has not expired during this Reporting Period** | **Final Permit Decisions made within the Statutory and/or Regulatory Time Limit for this period** | **Final Permit Decisions exceeding the Statutory and/or Regulatory Time Limit for this period** | **Total Number of Permit Applications in House for Final Permit Decisions this time period** | **% Final Permit Decisions made within the Statutory and/or Regulatory Time Limit** |
| **APC** | **293** | **165** | **458** | **248** | **116** | **94** | **458** | **55.2%** |
| **DWR** | **0** | **10155** | **10155** | **985** | **9125** | **45** | **10155** | **99.5%** |
| **SWM** | **48** | **512** | **560** | **161** | **399** | **0** | **560** | **100.0%** |
| **DMGR** | **21** | **49** | **70** | **32** | **38** | **0** | **70** | **100.0%** |
| **Totals** | **362** | **10881** | **11243** | **1426** | **9678** | **139** | **11243** | **98.6%** |

# Appendix 2.

## Tennessee Code Annotated Section 4-3-506

## TDEC Annual and Semiannual Legislative Permitting Reports

**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 (2023)**

**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 demonstrating whether the department has acted on permit applications within the time frames established by rule. The statistics may be summarized by organizational unit established under § 4-3-503. The reports are due February 1 and August 1 of each calendar year.

**(2)**

**(A)** The report due February 1 must report data for the first six (6) months of the current fiscal year.

**(B)** The report due August 1 must report data for the entire previous fiscal year and must also specify any program or system changes to be made if the commissioner determines that program or system changes are necessary to achieve compliance with any time frame.

**(3)** If a report indicates that a division is not complying with the specified time frames, then the report must include a determination of the cause of the noncompliance.

**(4)** The reports must be posted on the department's website and electronically submitted to the governor and members of the general assembly.

**HISTORY:** Acts 2012, ch. 980, § 1; 2020, ch. 593, § 1.