



## **Tennessee Department of Environment and Conservation FY 17/18 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 effective issuance of regulatory permits is critical to protecting our environment and 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 regulatory and statutory time limits established in statute and rule to determine if applications are complete and regulatory and statutory time limits for final permitting decisions, the Department defines a permit as any permit, license, registration, certification and/or accreditation application subject to the requirements for permitting in Tennessee Code Annotated (T.C.A.) 4-3-501 et. seq.

In 2012, the General Assembly amended T.C.A. 4-3-506 and required the Department to provide the General Assembly an analysis of permit decisions made twice each fiscal year that report the Department's efforts to make Permit Application Completeness decisions and Final Permit decisions within statutory and regulatory time limits. This report provides a summary of our permitting activities for the first 6 months of Fiscal Year 2017/2018 (FY 17/18).

**INTRODUCTION**

The Tennessee General Assembly adopted legislation in 2012 that 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 General Assembly a report providing how effectively the Department is permit completeness decisions and final permit decisions and how our performance compares with regulatory and statutory time limits. The Department is required to submit permitting status reports twice per fiscal year; the Semi-Annual Permit Report in February reporting progress for the July 1 through December 31 period of each fiscal year and the Annual Permit Report in August for the entire fiscal year (July 1 previous year through June 30 succeeding year). There are 13 different rules with specific language requiring the Department to make permit completeness decisions and final permit decisions. Please find below the regulations the Department is required to follow for permit completeness review and final permit application decisions.

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

The Department has developed tables in this report for each Environmental Division with permitting responsibilities. The tables provide the efficiency of permit completeness and final permit decisions by comparing actual results with time limits within TN statutes and regulatory time limits for each type of permit. In addition, the Department compared permitting data from FY 12/13 through 17/18 to determine our progress making permitting decisions over time. This information is included in Appendix 1. of the report

The Department has included tables in Appendix 1 of this report that provide data for permit completeness determinations and final permit decisions for this reporting period (July 1, 2017 through December 31, 2017). Appendix 1 also includes a summary of permit completeness determinations and final permit decisions from FY 12/13 through FY 17/18.

We believe the information presented in this report provides a comprehensive view of the Department's effectiveness in meeting regulatory and statutory time limits for permit completeness determinations and final permit decisions.

## **DIVISION OF SOLID WASTE MANAGEMENT**

The Division of Solid Waste Management (SWM) is responsible for four different and distinct regulatory programs that are implemented under the authority of different environmental statutes and regulations:

1. The TN Solid Waste Disposal Act, T.C.A. 68-211-101 et. seq. and the pursuant regulations 0400-11-01 .01 thru .13;
2. The TN Hazardous Waste Management Act, T.C.A. 68-212- 101 et. seq. and the pursuant regulations 0400-12-01-.01 thru .12 and 0400-12-02 -.01 thru .3 ;
3. The Tennessee Lead-Based Paint Abatement Certification Act of 1997 (T.C.A. 68-131-101 et. seq.) and the pursuant regulations 1200-1-18-.01 thru .06 ; and
4. The Tennessee Asbestos Contractor Accreditation and Regulation Act (T.C.A. 62-41-101 et. seq.) and the pursuant regulations 1200-1-20-.01 thru .08.

For the purposes of this report, all metrics for permit completeness decisions and final permit decisions have been combined.

### **SOLID WASTE PROGRAM**

The Solid Waste Program issues permits for processing, storing, and disposing solid waste in Tennessee. EPA Region 4 has approved SWM's Solid Waste Program for solid waste disposal. The Department issues Solid Waste permits for Solid Waste Processing facilities, Convenience Centers, Composting Operations and Demolition, Industrial and Municipal Solid Waste Landfills. SWM also reviews and approves/denies requests to dispose of "special waste" in the landfills it regulates. 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. Permitting solid waste facilities helps ensure 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 SWM before beginning construction or expansion activities. Under the Solid Waste regulations, SWM has regulatory and statutory time limits to review permit applications and modifications for completeness and regulatory and statutory time limits 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 has received delegation from EPA Region 4 to serve as the primary regulatory authority for 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 or disposed of properly; protecting public health and the environment.

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

## TOXIC SUBSTANCES PROGRAM

The Lead Based Paint and Asbestos Programs are responsible for ensuring 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 provided by instructors meets the need of the persons attending the training and helps protect worker health and safety by reducing worker exposure to asbestos and lead. SWM has agreements with EPA Region 4 to implement these programs in Tennessee. The Lead Based Paint and Asbestos accreditation and certification programs ensure that:

1. The companies and especially company workers 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.

For accreditations and certifications in the Toxics Program, the permit completeness decision and the final permit decision are made concurrently, per regulation. This is the reason there is such a large difference between the number of permit completeness determinations reported in Table 1. and the number of final permit decisions reported in Table 2.

Table 1. reports SWM's success in meeting regulatory and statutory time limits for the review of solid waste and hazardous waste permit applications for completeness. SWM made permit application completeness determinations for 100% of the permit applications (21 of 21) within regulatory and statutory time limits for this reporting period.

Table 2. reports SWM's success in making final permit decisions for complete solid waste, hazardous waste, asbestos and lead based paint permit applications and permit modification applications within regulatory and statutory time limits. SWM made final permit decisions for 100% of the permit applications (3,222 of 3,222) within regulatory and statutory time limits for this reporting period.

Table 3. compares permit completeness decisions for the FY 12/13 thru FY 17/18 Semiannual Permitting Report periods. For the Division of Solid Waste Management, the number of permit applications submitted for completeness review and subject to the regulatory and statutory time limits for permit completeness determinations has ranged from 27 to 331 per reporting period. For all six reporting periods, the Division of Solid Waste Management has made Permit Completeness Determinations for 99.7% of the permit applications (916 of 919) received within regulatory and statutory time limits.

Table 4. compares final permit decisions for the FY 12/13 thru FY 17/18 Semiannual Permitting reporting period. For the Division of Solid Waste Management, the number of complete permit applications submitted and subject to the regulatory and statutory time limits for final permit decisions has varied between 2,375 and 3,222 per reporting period. SWM believes this variation does not represent a trend for permit applications increasing or decreasing, just variability from year to year. For all six reporting periods, the Division of Solid Waste Management has made Final Permit decisions for 99.99% of complete permit applications (16,789 of 16,792) within regulatory and statutory time limits.

## **DIVISION OF RADIOLOGICAL HEALTH**

The Division of Radiological Health (DRH) is responsible for the X-Ray Registration and Radioactive Materials Licensing Programs. Authority for implementation of the programs is granted via:

1. The TN Radiological Health Service Act, T.C.A. 68-202- 201 et. seq.; and
2. Tennessee Rule 0400-20-05 -.01 thru .146

For the purposes of this report, all metrics for permit completeness decisions and final permit decisions have been combined.

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

The Division of Radiological Health (DRH) issues licenses for equipment and devices that contain radioactive materials and to businesses that process low-level radioactive waste. DRH requires registration of equipment and machines that generate X-rays. The Nuclear Regulatory Commission (NRC) has granted the Department authority for radioactive materials licensing for facilities in Tennessee. This transfer of authority by the NRC to DRH for Radioactive Materials licensing applies to all facilities in Tennessee except 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 affect their personal health. Ensuring 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 its use meet specific regulatory health and safety standards. Under the Radiological Health regulations, the Department has set regulatory and statutory time limits to review license and registration applications and modifications for completeness. The Department has specific regulatory and statutory time limits to make final licensing and registration decisions for complete applications.

Table 1. reports the Department's success in meeting regulatory and statutory time limits to determine if Radioactive Materials licenses and license modifications as well as X-ray registrations and registration modifications are complete. DRH made license and registration completeness determinations for 100% of the license and registration applications (1562 of 1562) within the regulatory and statutory time limits for this reporting period.

Table 2. reports the Department's success in meeting regulatory and statutory time limits to make final decisions to issue or deny complete Radioactive Materials license applications and license modifications as well as X-ray registration applications and registration modifications. DRH made decisions to approve or deny license and registration applications for 100% of the license and registration applications (1,562 of 1,562) within the regulatory and statutory time limits for this reporting period.

Table 5. compares radioactive materials licensing and registration completeness decisions for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For DRH, the number of license and registration applications subject to the regulatory and statutory time limits for permit completeness determinations has fluctuated between 1,562 to 2,223 per reporting period. For all six reporting periods, DRH has made Permit Completeness Determinations for 100% (11,552 of 11,552) of the license and registration applications within regulatory and statutory time limits.

Table 6. compares final license and registration decisions for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For DRH, the number of complete license and registration applications submitted and subject to the regulatory and statutory time limits for final permit decisions has varied between 1,562 to 2,223 per reporting period. The Department believes this variation does not represent a trend for license and registration applications increasing or decreasing, just variability from year to year. For all six reporting periods, DRH has made Final License and Registration decisions for 100% of complete applications (11,552 of 11,552) within regulatory and statutory time limits.



## **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 implementation of the APC permitting programs is granted via:

1. The Tennessee Air Quality Act; T.C.A. 68-201- 101 et.seq; and
2. Tennessee Rule 1200-03-01 through 37

For the purposes of this report, all metrics for permit completeness decisions and final permit decisions have been combined.

## **AIR POLLUTION CONTROL PERMITTING PROGRAM**

APC is responsible for maintaining the air quality across the state to protect public health and environment. As a part of the Air Pollution Control regulatory program, APC 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 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. The U.S. Environmental Protection Agency (EPA) Region IV office has granted the Department the authority to implement federal air pollution control regulations promulgated under the Clean Air Act in lieu of EPA. APC is responsible for implementation of the federal air pollution regulations authorized via the delegation. APC issues or denies permit applications to release air contaminants into the atmosphere.

During the air permitting process, APC 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 released into the atmosphere, which helps protect public health and the environment. APC is required to evaluate permit applications and modifications for completeness. Once APC determines a permit application is 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 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 1. reports APC's success in meeting the time limit to determine if APC Construction and Operating Permit Applications are complete. During this reporting period, APC made final completeness determinations for 100% of all permit applications (200 of 200) within the statutory and regulatory time limits.

Table 2. reports APC's success rate for making Final Permit decisions. For this reporting period, 99.3% of all complete permit applications were approved or denied within the regulatory and statutory time limits for this reporting period (943 of 950).

Table 7. compares permit application completeness decisions for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For APC, the number of license and registration applications subject to the regulatory and statutory time limits for permit completeness decisions has fluctuated between 200 and 806 applications reporting period. At this time, the Department does not see a trend up or down in the number of permit applications; we believe this represents random differences. The overall efficiency for making Permit Completeness is 100% (2,871 of 2,871).

Table 8. compares final permit decisions for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For APC, the number of complete permit applications submitted and subject to the regulatory and statutory time limits for final permit decisions has varied between 501 and 950 per reporting period. The Department believes this variation does not represent a trend for permit applications increasing or decreasing, just variability from year to year. APC has improved its efficiency in making timely permit decisions since the FY 12/13 Semiannual Environmental Permitting Reporting period from 43.9% in FY 12/13 to 99.3% in FY 17/18. This is a 50.3% increase in making final permitting decisions within the statutory and regulatory time limits. The overall efficiency for making Final Permit Decisions for complete APC permit applications is 83.6% (3,441 of 4,116).

APC has made significant improvements in meeting the permit decision regulatory and statutory time limits set in regulation. This increase is attributed to business process improvement using LEAN, better use of the APC database SMOGLOG that 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. Additional LEAN events to improve permit business processes;
2. Developing general permits that require less time for the regulated community and APC to review 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; and
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 & treatment, drinking water treatment and distribution, alteration of streams, installing water wells, construction of small dams, treating wastewater from individual homes or businesses and disposal of water underground. In each program area mentioned above, 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, T.C.A. 68-221-401 et. seq. and TN Rules 1200-01-06 - .01 thru .34
2. The TN Safe Drinking Water Act, T.C.A. 68-221-701 et.seq; and TN Rule 0400-45-01 - .01 thru .40;
3. The TN Water Quality Control Act, T.C.A. 69-3-101 et. seq.; and TN Rules 1200-4-01 thru 14, TN Rules 0400-45-06 -.01 thru .19
4. The TN Water Well Driller's Act, T.C.A. 69-10-101 et. seq.;
5. The TN Safe Dams Act; T.C.A. 69-11-101 et. seq.; and TN Rules 0400-45-07 -.01 thru .10; and
6. The TN Oil and Gas Production Act, T.C.A. 60-1-101 et. seq. and TN Rules 0400-51 through 0400-58.

The Department of Environment and Conservation, through its Division of Water Resources (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 has the challenge to continue provide the amount of water needed and ensuring the quality of the water provided. 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. Business and industry finds Tennessee a great place to operate because of its bountiful supply of water.

For the purposes of this report, all metrics for permit completeness and final permit decisions have been combined. Should anyone wish to have a breakdown of permit completeness or final permit decisions by category, the Department can provide the information as requested.

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMITTING

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 6,500,000 Tennesseans depend upon local utilities to collect and properly treat wastewater from their homes and business. DWR 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 quantity and quality of wastewater discharged into rivers and streams to determine if wastewater may be discharged into a stream. The Department, 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 its classified uses; domestic water supply, fish and aquatic life, recreational use, etc.

## SAFE DRINKING WATER PROGRAM

DWR is responsible for ensuring that Tennesseans have a safe and plentiful source of drinking water. More than 6,500,000 citizens 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.

## SUBSURFACE SEWAGE DISPOSAL PROGRAM

DWR implements the Subsurface Sewage Disposal (SSD) regulations including the review of permit applications for the disposal of domestic sewage via 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 SSD systems are installed that treat domestic wastewater 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 creating a public health hazard.

## AQUATIC RESOURCES ALTERATION PERMITTING PROGRAM

DWR oversees any actions that alter the physical, chemical, biological or radiological characteristics of stream 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 (road projects, building projects) and altering a stream's channel.

The Department approves permit applications for the activity only when the permit limits protects the quality and the quantity of the river or stream.

### STATE OPERATING PERMIT PROGRAM

DWR oversees the treatment of wastewater that is treated 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 health of the stream. 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 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.

### 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 heavy rainfall occurs and pollutants are carried by the runoff from parking lots, construction sites, Concentrated Animal Feeding Operations (CAFOs), etc. Construction stormwater runoff causes siltation of streams that affects plant and animal life at the bottom of the stream. Surface water runoff also transports nutrients such as nitrates and phosphates into streams. The 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 available as algae decomposes.

### OIL AND GAS PRODUCTION

Oil and Gas Production - In eastern Tennessee, there are deposits of oil and natural gas below the ground surface. Companies pursue the production of oil and gas by installing wells into these hydrocarbon reservoirs. To ensure that wells are installed that protect public health and the environment, particularly ground water, any person installing a well for oil and/or gas production must apply for and receive a permit from the Department.

### SURFACE MINING

DWR does not directly regulate mining activities. However, surface mining often results in surface water runoff that flows directly into streams. To prevent this from occurring, the mining operator is required to obtain a permit from the Department. The permit requires the permit holder to install structures that control and treat stormwater runoff, which prevents stream damage. If the mine has a direct discharge (open pipe) to a stream, then an NPDES permit is required.

## 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 becomes 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.

## SAFE DAMS

DWR is responsible for permitting dams, under the Tennessee Dam Safety Act. The Department regulates small dams that do not fall within the purview of the Federal Emergency Management Act. DWR does not regulate dams that are considered to part of a “farm pond”.

Members of the regulated community pursuing a permit or permit modification for any permitting program are required to submit applications to the Department for review. The Department determines if the proposed activity or change in the currently permitted activity meet specific regulatory requirements to protect surface water and ground water as well as maintaining public health and the environment. The statutes and regulations DWR is charged with implementing have set regulatory and statutory time limits that require DWR to review license and registration applications and modifications for completeness. DWR also has specific regulatory and statutory time limits to make final licensing and registration decisions for complete permit applications.

Table 1. reports DWR’s success in meeting regulatory and statutory time limits to determine if permit applications submitted to DWR are complete. In the completeness review process, DWR reviews the permit application or permit modification to ensure that all information needed to make a permit decision are included. Once DWR staff members have completed their review, they will notify the applicant and let the applicant know if the application is complete or if additional information is needed. DWR made timely permit completeness decisions for 98.5% (4,025 of 4,095) of the permit applications submitted during this reporting period.

Table 2. reports DWR’s success in meeting regulatory and statutory time limits to make final decisions to issue or deny complete permit applications and permit modifications. When DWR makes final permit decisions it reviews the permit application to ensure the activity to be permitted or the activity to be modified protects water quality for the receiving stream or ground water quality when wastewater is disposed below the surface of the ground. DWR made timely final decisions to approve or deny 99.4% (11,851 of 11,927) of the permit applications and permit modification applications during this reporting period.

Table 9. compares permit application completeness decisions made by DWR for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For DWR, the number of permit applications and modifications subject to the regulatory and statutory time limits for permit completeness determinations has ranged from 6,493 to 16,376 during the six reporting periods. The overall efficiency for making Permit Completeness decisions over the last six years is 97.6% (24,293 of 24,893).

Table 10. compares timely final permit decisions made by DWR for the DWR for the FY 12/13 thru FY 17/18 Semiannual Environmental Permitting Reporting periods. For DWR, the number of complete permit applications and modifications subject to the regulatory and statutory time limits for final permit decisions has increased from approximately 7,000 decisions in FY 12/13 to as many as 21,000 in FY 14/15 Semiannual Environmental Permitting Reporting periods. The number of permit applications varies due to changes in the economy and weather and the inclusion of permitted activities that were not originally counted in FY 12/13. We also added a new General Permit for Management of Bio-solids from wastewater treatment plants. DWR has increased its timeliness in making timely permit decisions from 93.2% to 98.3% over the last six years. This is an increase of 5.1% in permitting efficiency. The overall efficiency for making Final Permit Decisions for complete DWR permit applications is 97.6% (73,713 of 75,055).

## **FY 17/18 Semiannual Environmental Permitting Report Summary**

### **Permit Completeness Decisions**

The Department had an inventory of 6,396 permit applications to review for completeness during the July 1, 2017 to December 31, 2017 time period. Of the 6,396 permit applications in the inventory, the regulatory time limit for 518 Permit Applications for completeness review extended beyond December 31, 2017. The remaining 5,878 permit applications were subject to Permit Completeness decisions on or before December 31, 2017. The Department made Permit Completeness decisions for 5,808 permit applications within statutory and regulatory time limits. The Department did not make permit completeness decisions for 70 permit applications within the statutory and regulatory time limits. The Department made permit completeness decisions for 98.8% of all permit applications subject to review in this time period. A breakdown by Division of FY 17/18 Permit Application Completeness efficiency is provided in Table 1. in Appendix 1.

The Department also measured how efficiently Permit Completeness decisions were made during the FY 12/13 thru FY 17/18 time period. This information is presented in Table 11. During this six-year period, the Department made 98.5% of all permit completeness decisions within statutory and regulatory time limits. Semi-annual permitting completeness decisions within regulatory and statutory limits ranged from 96.4% to 99% over the last six years. In FY 13/14, 96.4% of all permit completeness reviews were made within statutory and regulatory time limits. A new federal law became effective in the fall of 2013 that required applicants for individual licenses, certificates and authorizations to submit proof of U.S. citizenship or other documentation that they were in the U.S. legally. The Department made a concerted effort to inform permit applicants of this requirement. Unfortunately, many applicants failed to submit this information with their permit applications. Due to this statutory change many permit applications could not be deemed complete until proof of citizenship or legal authority to be in the U.S. was submitted. If FY 13/14 Permit Completeness data is removed from the overall efficiency for Permit Completeness review, the average increases from 98.5% to 98.9%. The overall efficiency for making Permit Completeness decisions over the last six years is 98.5% (39,749 of 40,350 permit applications).

### **Final Permit Decisions**

The Department had an inventory of 18,956 permit applications during the July 1, 2017 thru December 31, 2017 time period. Of the 18,956 permit applications in the inventory, the regulatory time limit for deciding to approve or deny the permit applications for 1,295 permit applications extended beyond December 31, 2017. The remaining 17,661 permit applications were subject to the statutory and regulatory time limits for final permit decisions on or before December 31, 2017. The Department made final permit decisions for 17,578 permit applications within the statutory and regulatory time limits during this reporting period. The Department did not make final permit decisions for 83 permit applications within statutory and regulatory time limits. The Department approved or denied 99.5% of all permit applications (17,578 of 17,661) subject to review in this time period. This information is presented in Table 2. of Appendix 1.



The Department also measured how efficiently Final Permit decisions were made during the FY 12/13 thru FY 17/18 time period. This information is presented in Table 12. During this six-year period, the Department made 98.1 % of all Final Permit decisions (105,495 of 107,515) within statutory and regulatory time limits. The range for Final Permit decisions made within regulatory and statutory limits ranged from 92.2% to 99.5%.

The Department began reviewing data to compile the Semi-Annual Permitting Efficiency Report during FY 12/13. For the FY 12/13 Semi-Annual reporting period (July 1, 2012 thru December 31, 2012), 92.2% of all Final Permit decisions were made within the statutory and regulatory time periods. While we were processing permit applications within statutory and regulatory time limits over 92% of the time, the Department decided to investigate its internal processes for making final permit decisions to provide better customer service. The Department developed more general permit applications and permits-by-rule to increase efficiency while maintaining the same level of protection for public health and the environment. The Department also began using the LEAN process to review existing permit decision processes and implement changes in the permit decision process to increase efficiency. The Department continues to use LEAN to help improve all regulatory processes.

In FY 13/14, a new federal regulation required all persons applying for an individual permit to submit proof of U.S. citizenship or provide documentation that the person was legally in the U.S. The Department contacted the regulatory community about this new requirement, but many people submitting permit applications between July 1, 2013 and December 31, 2013 did not submit proof of U.S. citizenship. Due to this, the Department could not make final permit decisions for many permit applications because the permit application did not contain proof of U.S. citizenship or other documentation that the person was authorized to be in the U.S. The Department made 97.2% of all final permit decisions within the statutory and regulatory time limits in FY 13/14. This was an increase of 5% from the FY 12/13 semi-annual permitting decision report, but lower than the Department's goal.

The Department is committed to meeting the statutory and regulatory time limits for permit completeness review and making final permit decisions. Less than 2% of all Permit Application Completeness Determinations and Final Permit Decisions exceed the regulatory and statutory time limits for review. We believe this illustrates our commitment to providing excellent customer service. The Department reviews its permit applications to determine if there are ways to make applying for a permit easier. The Department considers ideas for improvement from the regulated community for improving our internal processes. We do our best to provide permit applicants with helpful guidance for completing permit applications. On occasion, correspondence between TDEC and the permit applicant that requested additional information for a specific permit application causes the Department 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 to better permit decisions. Occasionally the back and forth requests

for information and lack of timely response on the part of the Department and/or the permit applicant causes the Department to miss statutory and/or regulatory time limits for permit decisions.

The Department continues to work diligently to meet regulatory and statutory time limits for permit completeness review and final permit decisions. We recognize that making timely permitting decisions is required by statute and regulation but also important to the people applying for permits. While it is important for the Department to make permit decisions based on science and fact, we also recognize the time value of money for those persons seeking a permit or permit modification that allows their business to operate efficiently. The Department will continue its efforts to make timely permit decisions by reviewing internal business processes for improvement opportunities.

The Department believes streamlining permit decision-making processes illustrates the success of changes made to improve efficiency in making final permit decisions; as an example LEAN Business Process changes. Actively measuring the progress of permit applications towards final decisions and encouraging employee accountability has also increased permitting efficiency. We are especially pleased with this good news, given the increase in the number of permit applications and permit modification applications from FY 12/13 to FY 17/18 Semiannual Environmental Permitting Reporting period

Year	Permit Completeness Reviews	Final Permit Decisions
FY 12/13	5640	11,806
FY 17/18	5878	17,661

The Department continues to review its business processes and evaluates methods to equally distribute workload among staff and provide training opportunities for staff. Another avenue the Department is 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, the Department will consider transitioning from individual permits to general permits and permits-by-rule and possibly removing the requirement for general permit or permit-by-rule to a notification of activity that includes specific reporting and inspection requirements to ensure protection of public health and the environment.

While the Department 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 the improved environmental permits the permittee can more easily read, understand and implement. We have worked to improve our public participation process to incorporate the assistance of our Regional Directors of External Affairs. The External Affairs Directors have developed a standard protocol for alerting any interested parties of public meetings and hearings about specific permit

applications and modified the meeting structure to ensure maximum attendee participation. As a part of this effort, we have trained more staff members to help with public meetings, which in turn make more staff members available to conduct public meetings and hearings as well as talk informally meeting attendees.

The changes in environmental permitting processes made by the Department help ensure that environmental permit decisions:

1. Are made in a timely manner, respecting the time value of money and 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;
4. Made transparently, maximizing the opportunity for public participation; and
5. The permit applicant is treated professionally by our staff.

We hope the information in this report is of assistance to the General Assembly and look forward to receiving comments from its members 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.

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

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**Appendix 1.**  
**Tennessee Department of Environment and Conservation**  
**FY 17/18 Semi-Annual Permitting Report Tables**

**Table 1. FY 17/18 Semiannual Environmental Permitting Report  
Permit Completeness Decisions**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION</b>	<b>Permit Applications for Completeness Review on hand as of June 30, 2017</b>	<b>Permit Applications for Completeness Review Received between 7/1/17 and 12/31/17</b>	<b>Total Number of Permit Applications in House for Permit Completeness Review through 12/31/17</b>	<b>Number of Permit Applications received for Completeness Review and the Statutory and/or Regulatory Time Limit has not expired during this Reporting Period</b>	<b>Number of Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit for 7/1/17 thru 12/31/17</b>	<b>Number of Permit Applications Completeness Decisions exceeding the Statutory and/or Regulatory Time Limit for the 7/1/17 thru 12/31/17</b>	<b>% Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit for the 7/1/17 thru 12/31/17</b>	<b>Total Number of Permit Applications in House for Permit Completeness Review through 12/31/17</b>
<b>APC</b>	<b>51</b>	<b>192</b>	<b>243</b>	<b>43</b>	<b>200</b>	<b>0</b>	<b>100.0%</b>	<b>243</b>
<b>DRH</b>	<b>0</b>	<b>1,562</b>	<b>1,562</b>	<b>0</b>	<b>1,562</b>	<b>0</b>	<b>100.0%</b>	<b>1,562</b>
<b>DWR</b>	<b>601</b>	<b>3,960</b>	<b>4,561</b>	<b>466</b>	<b>4,025</b>	<b>70</b>	<b>98.3%</b>	<b>4,561</b>
<b>SWM</b>	<b>3</b>	<b>27</b>	<b>30</b>	<b>9</b>	<b>21</b>	<b>0</b>	<b>100.0%</b>	<b>30</b>
<b>Totals</b>	<b>500</b>	<b>5,741</b>	<b>6,396</b>	<b>518</b>	<b>5,808</b>	<b>70</b>	<b>98.8%</b>	<b>6,396</b>

**Table 2. FY 17/18 Semiannual Environmental Permitting Report  
Final Permit Decisions**

<b>PERMIT APPLICATIONS &amp; MODIFICATIONS - FINAL PERMIT DECISIONS</b>	<b>Permit Applications on hand for Final Permit Decisions on or before July 1, 2017</b>	<b>Complete Permit Applications for Final Permit Decisions Received between 7/1/17 and 12/31/17</b>	<b>Total Complete Permit Applications in House for Final Permit Decisions through 12/31/17</b>	<b>Number of Complete Permit Applications received for Final Permit Decisions and the Statutory and/or Regulatory Time Limit did not expire by 12/31/17</b>	<b>Number of Complete Permit Application Final Decisions made within the Statutory and/or Regulatory Time Limit for the 7/1/17 to 12/31/17 time period</b>	<b>Number of Complete Permit Application Final Decisions not completed within the Statutory and/or Regulatory Time Limit for the 7/1/17 to 12/31/17 time period</b>	<b>% Complete Permit Application Final Decisions completed within the Statutory and/or Regulatory Time Limit for the 7/1/17 thru 12/31/17 time period</b>	<b>Total Number of Permit Applications in House for Final Permit Decisions through 12/31/17 - QA Check</b>
<b>APC</b>	<b>792</b>	<b>787</b>	<b>1,579</b>	<b>629</b>	<b>943</b>	<b>7</b>	<b>99.3%</b>	<b>1,579</b>
<b>DRH</b>	<b>0</b>	<b>1,562</b>	<b>1,562</b>	<b>0</b>	<b>1,562</b>	<b>0</b>	<b>100.0%</b>	<b>1,562</b>
<b>DWR</b>	<b>726</b>	<b>11,841</b>	<b>12,567</b>	<b>640</b>	<b>11,851</b>	<b>76</b>	<b>99.4%</b>	<b>12,567</b>
<b>SWM</b>	<b>545</b>	<b>2,703</b>	<b>3,248</b>	<b>26</b>	<b>3,222</b>	<b>0</b>	<b>100.0%</b>	<b>3,248</b>
<b>Totals</b>	<b>2,063</b>	<b>16,893</b>	<b>18,956</b>	<b>1,295</b>	<b>17,578</b>	<b>83</b>	<b>99.5%</b>	<b>18,956</b>

**Table 3 . Summary of SWM Environmental Permitting Performance  
FY 17/18 Semi-Annual Permit Completeness Decisions Report**

Permit	Applications, Modifications And Renewals Received			Permit Completeness Review Time Limits				% of CFG Goal
	Permit Applications for Completeness Review on hand as of June 30th	Permit Applications for Completeness Review Received between July 1st and December 31st	Permit Applications in House for Permit Completeness Review through December 31st	Permit Applications received between July 1st and December 31st not subject to Completeness Review specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st meeting the specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st exceeding the specified time limits	Permit Applications in House for Permit Completeness Review through December 31st	% Permit Application Completeness Decisions made meeting the specified time limit between July 1st thru December 31st
PERMIT APPLICATIONS & MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION								
FY 12/13	19	235	254	45	252	2	299	99.2%
FY 13/14	3	270	273	7	265	1	273	99.6%
FY 14/15	7	324	331	5	326	0	331	100.0%
FY 15/16	11	28	39	13	26	0	39	100.0%
FY 16/17	5	33	38	12	26	0	38	100.0%
FY 17/18	3	27	30	9	21	0	30	100.0%
<b>Totals</b>	<b>48</b>	<b>917</b>	<b>965</b>	<b>91</b>	<b>916</b>	<b>3</b>	<b>1,010</b>	<b>99.7%</b>
<b>Average</b>	<b>8</b>	<b>153</b>	<b>161</b>	<b>15</b>	<b>153</b>	<b>1</b>	<b>168</b>	<b>99.7%</b>

**Table 4. Summary of SWM Environmental Permitting Performance  
Semi-Annual Final Permit Approval/Denial Report**

Permits	Applications, Modifications And Renewals Received			Final Permit Decision Data				% of CFG Goal
	Permit Applications subject to Final Approval/Denial on hand as of June 30th	Permit Applications for Final Approval or Denial Received between July 1st and December 31st	Permit Applications for Final Approval or Denial in house through December 31st	Permit Applications for Final Approval or Denial and the Statutory and/or Regulatory Time Limit has not expired as of December 31st	Permit Approval or Denial decisions made between July 1st & December 31st within the Statutory and/or Regulatory Time Limit	Permit Approval or Denial decisions made between July 1st & December 31st that were outside the Statutory and/or Regulatory Time Limit	Permit Applications in House for Permit Approval or Denial between July 1st and December 31st	
PERMIT APPLICATIONS & MODIFICATIONS – FINAL PERMIT DECISIONS								% Permit Approvals & Denial Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit
FY 12/13	682	1,974	2,656	0	2,656	0	2,656	100.0%
FY 13/14	138	2,388	2,526	150	2,375	1	2,526	100.0%
FY 14/15	367	2,763	3,130	184	2,946	0	3,130	100.0%
FY 15/16	312	2,571	2,883	163	2,719	1	2,883	100.0%
FY 16/17	718	2,732	3,450	578	2,871	1	3,450	100.0%
FY 17/18	545	2,703	3,248	26	3,222	0	3,248	100.0%
Total	2,762	15,131	17,893	1,101	16,789	3	17,893	99.98%
Average	460	2,522	2,982	184	2,798	1	2,982	100.0%



**Table 5. Summary of DRH Environmental Permitting Performance  
FY 17/18 Semi-Annual Permit Completeness Decisions Report**

Permit	Applications, Modifications And Renewals Received			Permit Completeness Review Time Limits				% of CFG Goal
	Permit Applications for Completeness Review on hand as of June 30th	Permit Applications for Completeness Review Received between July 1st and December 31st	Permit Applications in House for Permit Completeness Review through December 31st	Permit Applications received between July 1st and December 31st not subject to Completeness Review specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st meeting the specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st exceeding the specified time limits	Permit Applications in House for Permit Completeness Review through December 31st	
PERMIT APPLICATIONS & MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION								% Permit Application Completeness Decisions made meeting the specified time limit between July 1st thru December 31st
FY 12/13	0	2,117	2,117	0	2,117	0	2,117	100.0%
FY 13/14	0	1,374	1,374	0	1,374	0	1,374	100.0%
FY 14/15	0	2,223	2,223	0	2,223	0	2,223	100.0%
FY 15/16	0	2,215	2,215	0	2,215	0	2,215	100.0%
FY 16/17	0	2,062	2,062	0	2,062	0	2,062	100.0%
FY 17/18	0	1,562	1,562	0	1,562	0	1,562	100.0%
Total	0	11,553	11,553	0	11,553	0	11,553	100.0%
Average	0	1,926	1,926	0	1,926	0	1,926	100.0%

**Table 6. Summary of DRH Environmental Permitting Performance  
Semi-Annual Final Permit Decisions Report**

Permits	Applications, Modifications And Renewals Received			Final Permit Decision Data				% of CFG Goal
	Permit Applications subject to Final Approval/Denial on hand as of June 30th	Permit Applications for Final Approval or Denial Received between July 1st and December 31st	Permit Applications for Final Approval or Denial in house through December 31st	Permit Applications for Final Approval or Denial and the Statutory and/or Regulatory Time Limit has not expired as of December 31st	Permit Approval or Denial decisions made between July 1st & December 31st within the Statutory and/or Regulatory Time Limit	Permit Approval or Denial decisions made between July 1st & December 31st that were outside the Statutory and/or Regulatory Time Limit	Permit Applications in House for Permit Approval or Denial between July 1st and December 31st	
PERMIT APPLICATIONS & MODIFICATIONS - PERMIT APPLICATION FINAL PERMIT DECISIONS								% Permit Approvals & Denial Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit
FY 12/13	0	2,117	2,117	0	2,117	0	2,117	100.0%
FY 13/14	0	1,374	1,374	0	1,374	0	1,374	100.0%
FY 14/15	0	2,223	2,223	0	2,223	0	2,223	100.0%
FY 15/16	0	2,215	2,215	0	2,215	0	2,215	100.0%
FY 16/17	0	2,062	2,062	1	2,061	0	2,062	100.0%
FY 17/18	0	1,562	1,562	0	1,562	0	1,562	100.0%
Total	0	11,553	11,553	1	11,552	0	11,553	100.0%
Average	0	1,926	1,926	0	1,925	0	1,926	100.0%

**Table 7. Summary of APC Environmental Permitting Performance  
FY 17/18 Semi-Annual Permit Completeness Decisions Report**

Permit	Applications, Modifications And Renewals Received			Permit Completeness Review Time Limits				% of CFG Goal
	Permit Applications for Completeness Review on hand as of June 30th	Permit Applications for Completeness Review Received between July 1st and December 31st	Permit Applications in House for Permit Completeness Review through December 31st	Permit Applications received between July 1st and December 31st not subject to Completeness Review specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st meeting the specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st exceeding the specified time limits	Permit Applications in House for Permit Completeness Review through December 31st	
PERMIT APPLICATIONS & MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION								
FY 12/13	300	200	500	25	475	0	500	100.0%
FY 13/14	341	420	761	0	761	0	761	100.0%
FY 14/15	79	428	507	84	423	0	507	100.0%
FY 15/16	93	815	908	102	806	0	908	100.0%
FY 16/17	45	206	251	45	206	0	251	100.0%
FY 17/18	51	192	243	43	200	0	243	100.0%
Totals	909	2,261	3,170	299	2,871	0	3,170	100.0%
Average	152	377	528	50	479	0	528	100.0%

**Table 8. Summary of APC Environmental Permitting Performance  
Semi-Annual Final Permit Decisions Report**

Permits	Applications, Modifications And Renewals Received			Final Permit Decision Data				% of CFG Goal
	Permit Applications subject to Final Approval/Denial on hand as of June 30th	Permit Applications for Final Approval or Denial Received between July 1st and December 31st	Permit Applications for Final Approval or Denial in house through December 31st	Permit Applications for Final Approval or Denial and the Statutory and/or Regulatory Time Limit has not expired as of December 31st	Permit Approval or Denial decisions made between July 1st & December 31st within the Statutory and/or Regulatory Time Limit	Permit Approval or Denial decisions made between July 1st & December 31st that were outside the Statutory and/or Regulatory Time Limit	Permit Applications in House for Permit Approval or Denial between July 1st and December 31st	
PERMIT APPLICATIONS & MODIFICATIONS – FINAL PERMIT DECISIONS								% Permit Approvals & Denial Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit
FY 12/13	459	282	741	201	237	303	741	43.9%
FY 13/14	458	485	943	287	438	218	943	66.8%
FY 14/15	315	515	830	339	440	51	830	89.6%
FY 15/16	694	843	1,537	675	814	48	1,537	94.4%
FY 16/17	641	742	1,383	766	569	48	1,383	92.2%
FY 17/18	792	787	1,579	629	943	7	1,579	99.3%
Totals	3,359	3,654	7,013	2,897	3,441	675	7,013	83.6%
Average	560	609	1,169	483	574	113	1,169	83.6%

**Table 9. Summary of DWR Environmental Permitting Performance  
FY 17/18 Semi-Annual Permit Completeness Decisions Report**

Permit	Applications, Modifications And Renewals Received			Permit Completeness Review Time Limits				% of CFG Goal
	Permit Applications for Completeness Review on hand as of June 30th	Permit Applications for Completeness Review Received between July 1st and December 31st	Permit Applications in House for Permit Completeness Review through December 31st	Permit Applications received between July 1st and December 31st not subject to Completeness Review specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st meeting the specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st exceeding the specified time limits	Permit Applications in House for Permit Completeness Review through December 31st	% Permit Application Decisions made meeting the specified time limit between July 1st thru December 31st
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION</b>								
<b>FY 12/13</b>	<b>484</b>	<b>2,480</b>	<b>2,964</b>	<b>168</b>	<b>2,715</b>	<b>81</b>	<b>2,964</b>	<b>97.1%</b>
<b>FY 13/14</b>	<b>247</b>	<b>2,944</b>	<b>3,191</b>	<b>38</b>	<b>2,940</b>	<b>213</b>	<b>3,191</b>	<b>93.2%</b>
<b>FY 14/15</b>	<b>288</b>	<b>5,869</b>	<b>6,157</b>	<b>56</b>	<b>6,007</b>	<b>94</b>	<b>6,157</b>	<b>98.5%</b>
<b>FY 15/16</b>	<b>554</b>	<b>4,348</b>	<b>4,902</b>	<b>293</b>	<b>4,486</b>	<b>123</b>	<b>4,902</b>	<b>97.3%</b>
<b>FY 16/17</b>	<b>450</b>	<b>3,946</b>	<b>4,396</b>	<b>257</b>	<b>4,120</b>	<b>19</b>	<b>4,396</b>	<b>99.5%</b>
<b>FY 17/18</b>	<b>601</b>	<b>3,960</b>	<b>4,561</b>	<b>466</b>	<b>4,025</b>	<b>70</b>	<b>4,561</b>	<b>98.3%</b>
<b>Total</b>	<b>2,624</b>	<b>23,547</b>	<b>26,171</b>	<b>1,278</b>	<b>24,293</b>	<b>600</b>	<b>26,171</b>	<b>97.6%</b>
<b>Average</b>	<b>437</b>	<b>3,925</b>	<b>4,362</b>	<b>213</b>	<b>4,049</b>	<b>100</b>	<b>4,362</b>	<b>97.6%</b>

<b>Table 10. Summary of DWR Environmental Permitting Performance Semi-Annual Final Permit Decisions Report</b>								
<b>Permits</b>	<b>Applications, Modifications And Renewals Received</b>			<b>Final Permit Decision Data</b>				<b>% of CFG Goal</b>
<b>PERMIT APPLICATIONS &amp; MODIFICATIONS – FINAL PERMIT DECISIONS</b>	<b>Permit Applications subject to Final Approval or Denial on hand as of June 30th</b>	<b>Permit Applications for Final Approval or Denial Received between July 1st and December 31st</b>	<b>Permit Applications for Final Approval or Denial in house through December 31st</b>	<b>Permit Applications for Final Approval or Denial and the Statutory and/or Regulatory Time Limit has not expired as of December 31st</b>	<b>Permit Approval or Denial decisions made between July 1st &amp; December 31st within the Statutory and/or Regulatory Time Limit</b>	<b>Permit Approval or Denial decisions made between July 1st &amp; December 31st that were outside the Statutory and/or Regulatory Time Limit</b>	<b>Permit Applications in House for Permit Approval or Denial between July 1st and December 31st</b>	<b>% Permit Approvals &amp; Denial Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit</b>
<b>FY 12/13</b>	<b>371</b>	<b>6,455</b>	<b>6,826</b>	<b>333</b>	<b>5,875</b>	<b>618</b>	<b>6,826</b>	<b>90.5%</b>
<b>FY 13/14</b>	<b>424</b>	<b>13,926</b>	<b>14,350</b>	<b>70</b>	<b>14,041</b>	<b>239</b>	<b>14,350</b>	<b>98.3%</b>
<b>FY 14/15</b>	<b>1,310</b>	<b>15,251</b>	<b>16,561</b>	<b>185</b>	<b>16,125</b>	<b>251</b>	<b>16,561</b>	<b>98.5%</b>
<b>FY 15/16</b>	<b>320</b>	<b>14,970</b>	<b>15,290</b>	<b>392</b>	<b>14,790</b>	<b>108</b>	<b>15,290</b>	<b>99.3%</b>
<b>FY 16/17</b>	<b>640</b>	<b>10,873</b>	<b>11,513</b>	<b>432</b>	<b>11,031</b>	<b>50</b>	<b>11,513</b>	<b>99.5%</b>
<b>FY 17/18</b>	<b>726</b>	<b>11,841</b>	<b>12,567</b>	<b>640</b>	<b>11,851</b>	<b>76</b>	<b>12,567</b>	<b>99.4%</b>
<b>Total</b>	<b>3,791</b>	<b>73,316</b>	<b>77,107</b>	<b>2,052</b>	<b>73,713</b>	<b>1,342</b>	<b>77,107</b>	<b>98.2%</b>
<b>Average</b>	<b>632</b>	<b>12,219</b>	<b>12,851</b>	<b>342</b>	<b>12,286</b>	<b>224</b>	<b>12,851</b>	<b>98.2%</b>

**Table 11. Summary of BOE Environmental Permitting Performance  
Semi-Annual Permit Completeness Decision Reports**

Permit	Applications, Modifications And Renewals Received			Permit Completeness Review Time Limits				% of CFG Goal
	Permit Applications for Completeness Review on hand as of June 30th	Permit Applications for Completeness Review Received between July 1st and December 31st	Permit Applications in House for Permit Completeness Review through December 31st	Permit Applications received between July 1st and December 31st not subject to Completeness Review specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st meeting the specified time limits	Permit Application Completeness Decisions made between July 1st thru December 31st exceeding the specified time limits	Permit Applications in House for Permit Completeness Review through December 31st	% Permit Application Completeness Decisions made meeting the specified time limit between July 1st thru December 31st
PERMIT APPLICATIONS & MODIFICATIONS - PERMIT APPLICATION COMPLETENESS DETERMINATION								
FY 12/13	803	5,032	5,835	195	5,559	81	5,835	98.6%
FY 13/14	591	5,257	5,848	178	5,456	214	5,848	96.2%
FY 14/15	374	8,844	9,218	145	8,979	94	9,218	99.0%
FY 15/16	658	7,406	8,064	408	7,533	123	8,064	98.4%
FY 16/17	500	6,247	6,747	314	6,414	19	6,747	99.7%
FY 17/18	655	5,741	6,396	518	5,808	70	6,396	98.8%
Total	3,581	38,527	42,108	1,758	39,749	601	42,108	98.5%
Average	597	6,421	7,018	293	6,625	100	7,018	98.5%

**Table 12. Summary of BOE Environmental Permitting Performance  
Semi-Annual Final Permit Decisions Report**

Permits	Applications, Modifications And Renewals Received			Final Permit Decision Data				% of CFG Goal
	Permit Applications subject to Final Approval or Denial on hand as of June 30th	Permit Applications for Final Approval or Denial Received between July 1st and December 31st	Permit Applications for Final Approval or Denial in house through December 31st	Permit Applications for Final Approval or Denial and the Statutory and/or Regulatory Time Limit has not expired as of December 31st	Permit Approval or Denial decisions made between July 1st & December 31st within the Statutory and/or Regulatory Time Limit	Permit Approval or Denial decisions made between July 1st & December 31st that were outside the Statutory and/or Regulatory Time Limit	Permit Applications in House for Permit Approval or Denial between July 1st and December 31st	
PERMIT APPLICATIONS & MODIFICATIONS – FINAL PERMIT DECISIONS								% Permit Approvals & Denial Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit
FY 12/13	1,512	10,828	12,340	534	10,885	921	12,340	92.2%
FY 13/14	1,020	18,173	19,193	507	18,228	458	19,193	97.5%
FY 14/15	1,992	20,752	22,744	708	21,734	302	22,744	98.6%
FY 15/16	1,326	20,599	21,925	1,230	20,538	157	21,925	99.2%
FY 16/17	1,999	16,409	18,408	1,777	16,532	99	18,408	99.4%
FY 17/18	2,063	16,893	18,956	1,295	17,578	83	18,956	99.5%
Total	9,912	103,654	113,566	6,051	105,495	2,020	113,566	98.1%
Average	1,652	17,276	18,928	1,009	17,583	337	18,928	98.1%



## **Appendix 2.**

# **Tennessee Department of Environment and Conservation Tennessee Code Annotated § 4-3-506 Annual and Semi-Annual Legislative Permitting Reports**

## **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 periods 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 periods 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 period required by rule, the report must state the reasons for not meeting the period. In stating the reasons for not meeting the period, 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 period 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