



**Tennessee Department of Environment and Conservation
FY 2021/2022 Semiannual Environmental Permitting Report**

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Tennessee Department of Environment and Conservation FY 2021/2022 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 quality of life through the education of citizens and the regulated community, conservation of 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. TDEC defines a permit as any permit, license, registration, certification and/or accreditation application subject to the requirements for permitting in Tennessee Code Annotated Section 4-3-501 et. seq.

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 2021/2022 and the number permit completeness decisions made that exceeded the statutory and/or regulatory time limits; and (2) the number of final permit decisions to approve/deny made during the first six months of FY 2021/2022 and the number of final permit decisions to approve/deny permit applications exceeding statutory and/or regulatory time limits. The information presented in this report provides a comprehensive view of TDEC's effectiveness in meeting regulatory and statutory time limits for

permit completeness and final permit decisions. Appendix 1 provides environmental permitting information by division for the July 1 to December 31, 2021 time period. Appendix 1 also includes a summary of permit completeness determinations and final permit decisions from FY 2012/2013 through FY 2021/2022.

Please find below 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 .01 through .13 |
| Hazardous Waste Regulations | Rules 0400-12-01-.01 through .12 |
| Hazardous Waste Regulations | Rules 0400-12-02 -.01 through .3 |
| Regulation of X-ray and Radioactive Materials | Rules 0400-20-05 -.01 through .146 |
| Certification of Hydrologic Professionals | Rules 0400-40-7 -.01 through .04 |
| Water Supply | Rules 0400-45-01 - .01 through .41 |
| Underground Injection Control | Rules 0400-45-06 -.01 through .19 |
| Safe Dams | Rules 0400-45-07 -.01 through .10 |
| Subsurface Sewage Disposal | Rules 0400-48-01-.01 through -.24 |
| Asbestos Accreditation | Rules 1200-1-20-.01 through .08 |
| Lead Based Paint Abatement | Rules 1200-1-18-.01 through .06 |
| Air Pollution Control | Rules 1200-3-01 through 37 |
| Water Pollution Control | Rule Chapters 0400-40-01 through -16 |

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;
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;
3. The Tennessee Lead-Based Paint Abatement Certification Act of 1997, Tenn. Code Ann. § 68-131-101 et. seq., and the pursuant regulations 1200-1-18-.01 through .06; and
4. The Tennessee Asbestos Contractor Accreditation and Regulation Act, Tenn. Code Ann. § 62-41-101 et. seq., and the pursuant regulations 1200-1-20-.01 through .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. 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 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 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, 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.

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 that provide training to Asbestos and Lead Based Paint workers.

Accreditation of the training programs ensures that the curriculum and the training provided by private instructors meet the need of the persons attending the training classes and helps protect worker health and safety by reducing worker exposure to asbestos and lead. SWM has agreements with EPA Region 4 to implement each of these programs in Tennessee. The Lead Based Paint and Asbestos accreditation and certification programs ensure that:

1. The companies and their employees 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 explains why 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 (34 of 34) within regulatory and statutory time limits for this reporting period.

Table 2. reports SWM's success 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 (1179 of 1179) within regulatory and statutory time limits for this reporting period.

Table 3. compares permit completeness decisions for FY 2012/2013 through FY 2021/2022 Semiannual Permitting Report periods. For SWM, the number of permit applications submitted for completeness review and subject to the regulatory and statutory time limits for permit completeness determinations ranged from 30 to 331 per reporting period. For all ten reporting periods, the Division of Solid Waste Management made Permit Completeness Determinations

for 99.6% of the permit applications (1,023 of 1,027) received within regulatory and statutory time limits.

Table 4. compares final permit decisions for FY 2012/2013 through FY 2021/2022 Semiannual Permitting reporting period. For SWM, the number of complete permit applications submitted and subject to the regulatory and statutory time limits for final permit decisions varied from 2,280 to 3,961 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 ten reporting periods, SWM made Final Permit decisions for 99.98% of complete permit applications (23,140 of 23,145) 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, Tenn. Code Ann. § 68-202- 201 et. seq.; and
2. Tennessee Rule 0400-20-05 -.01 through .146

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

X-RAY EQUIPMENT and RADIOACTIVE MATERIALS

The Division of Radiological Health is responsible for protecting Tennesseans and the environment from the hazards associated with ionizing radiation. This responsibility encompasses regulating the use and possession of radioactive materials and radiation producing machines within the state, as well as responding to accidents involving radiation. In addition, the Division monitors the environment for radiation, especially around nuclear facilities and other major radioactive material users.

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 TDEC for review. TDEC 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, TDEC has set regulatory and

statutory time limits to review license and registration applications and modifications for completeness. TDEC has specific regulatory and statutory time limits to make final licensing and registration decisions for complete applications.

Table 1. reports TDEC'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 (2,334 of 2,334) within the regulatory and statutory time limits for this reporting period.

Table 2. reports TDEC'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 (2,334 of 2,334) within the regulatory and statutory time limits for this reporting period.

Table 5. compares radioactive materials licensing and registration completeness decisions for the FY 2012/2013 through FY 2021/2022 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 from 1,374 to 2,334 per reporting period. For all ten reporting periods, DRH made Permit Completeness Determinations for 100% (19,634 of 19,634) of the license and registration applications within regulatory and statutory time limits.

Table 6. compares final license and registration decisions for the FY 2012/2013 through FY 2021/2022 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 varied from 1,374 to 2,334 per reporting period. DRH believes this variation does not represent a trend for license and registration applications increasing or decreasing, just variability from year to year. For all ten reporting periods, DRH made Final License and Registration decisions for 100% of complete applications (19,634 of 19,634) 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, Tenn. Code Ann. § 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 are combined.

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 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. EPA Region IV office granted TDEC the authority to implement federal air pollution control regulations promulgated under the Clean Air Act. 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.

Given that clean air is important to Tennesseans, 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, 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 (189 of 189) within the statutory and regulatory time limits.

Table 2. reports APC's success rate for making Final Permit decisions. For this reporting period, 96.3% of all complete permit applications (552 of 573) were approved or denied within the regulatory and statutory time limits for this reporting period. (Regarding the reasons that permit applications were not deemed complete within the regulatory and statutory time limits, APC determined the following to be the causes of noncompliance: one permit delayed due to resource issues; two permits delayed due to resource issues and delay in receiving response from company to Division's additional information request.)

Table 7. compares permit application completeness decisions for the FY 2012/2013 through FY 2021/2022 Semiannual Environmental Permitting reporting periods. For APC, the number of permit applications subject to the regulatory and statutory time limits for permit completeness has ranged from 212 to 908 applications per reporting period. At this time, APC 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 decisions is 100% (3,590 of 3,590).

Table 8. compares final permit decisions for the FY 2012/13 through FY 2021/2022 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 varied from 741 to 2,382 per reporting period. TDEC believes this variation does not represent a trend for permit applications increasing or decreasing, just variability from year to year. APC improved its efficiency in making timely permit decisions since the FY 2012/2013 Semiannual Environmental Permitting Reporting period from 43.9% in FY 2012/2013 to 99.7% in FY 2018/2019 and 96.3% in FY 2021/2022.

APC 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, 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; 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 and 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. 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 et. seq., and TN Rules 1200-01-06 - .01 through .34;
2. The TN Safe Drinking Water Act, Tenn. Code Ann. § 68-221-701 et. seq, and TN Rule 0400-45-01 - .01 through .40;
3. The TN Water Quality Control Act, Tenn. Code Ann. § 69-3-101 et. seq., and TN Rules 1200-4-01 through 14, TN Rules 0400-45-06 -.01 through .19;
4. The TN Water Well Driller's Act, Tenn. Code Ann. § 69-10-101 et. seq.;
5. The TN Safe Dams Act, Tenn. Code Ann. § 69-11-101 et. seq., and TN Rules 0400-45-07 -.01 through .10; and
6. The TN Oil and Gas Production Act, Tenn. Code Ann. § 60-1-101 et. seq., and TN Rules 0400-51 through 0400-58.

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.

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

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 6,900,000 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.

SAFE DRINKING WATER PROGRAM

DWR is responsible for ensuring that Tennesseans have a safe and plentiful source of drinking water. More than 6,900,000 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 that meet the needs of local citizens and industries.

SUBSURFACE SEWAGE DISPOSAL PROGRAM

DWR implements the Subsurface Sewage Disposal System (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

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 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.

OIL AND GAS PRODUCTION

On the Cumberland Plateau and the Eastern Highland Rim, there are deposits of oil and natural gas below the ground surface. Companies search for these deposits of oil and gas by applying for and receiving a permit to drill in the hydrocarbon reservoirs. The Oil and Gas Program assures that wells are drilled in a safe and environmentally responsible manner that protects public health and environmental standards, particularly ground water. The Oil and Gas Program is equally responsible for assuring that mineral rights of owners are protected, and the resource is responsibly extracted and produced.

SURFACE MINING

DWR regulates surface mining activities under the Tennessee Surface Mining Law of 1972. The statute requires a bond and reclamation of the mine site. The Tennessee Surface Mining Law is only applicable to certain minerals of commercial value found in natural deposits on or in the earth, but it does not include limestone, coal, marble, chert, gravel, sand or dimension stone. Sand and gravel are included in counties with a population of 600,000 or greater.

Surface mining often results in surface water runoff that may flow directly into streams. To prevent this from occurring, and in accordance with statute, the mining operator is required to obtain a water quality discharge permit (NPDES permit) from TDEC. The permit requires the permit holder to install structures that control and treat mine wastewater and stormwater runoff, which prevents stream damage.

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.

SAFE DAMS

DWR is responsible for permitting dams, under the Tennessee Dam Safety Act. TDEC regulates small dams that do not fall within the purview of the Federal Emergency Management Act. DWR does not regulate dams that create “farm ponds”.

Members of the regulated community pursuing a permit or permit modification for any permitting program are required to submit applications to TDEC for review. TDEC 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.

PERMITTING METRICS

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 is included. Once DWR staff members have completed their review, they will notify the applicant if the application is complete or if additional information is needed. DWR made timely permit completeness decisions for 97.4% (4,205 of 4,316) of the permit applications submitted during this reporting period. (Regarding the reasons that permit applications were not deemed complete within the regulatory and statutory time limits, DWR determined the following to be the causes of noncompliance: growing workload of permits associated with increased site development exceeds staff availability in general; the growing number of construction general permits for review during certain 30 day periods exceeds staff availability for review; biosolids permitting staff member received four applications via email that were not responded to within 30 days; one application was misrouted, which delayed the completeness review; the Department of Agriculture does not have a full-time CAFO reviewer and did not review an application within 30 days; two permits were incorrectly coded in the database upon receipt of a follow up application submittal; a staff member took extended leave without notification or approval; Class II applications pending Oil and Gas secondary recovery review and approval.)

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 99.5% (16,548 of 16,638) of the permit applications and permit modification applications during this reporting period. (Regarding the permit applications that were not approved or denied within the regulatory and statutory time limits, DWR determined the following to be the causes of noncompliance: growing workload of permits associated with increased site development exceeds staff availability in general; biosolids permitting staff member received four applications via email that were not responded to within 30 days; the Department of Agriculture does not have a full-time CAFO reviewer and did not review an application within 30 days; a staff member took extended leave without notification or approval; one permittee requested extensive time for draft comments, which delayed issuance; and one controversial permit was appealed.)

Table 9. compares permit application completeness decisions made by DWR for the FY 2012/2013 through FY 2021/2022 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 2,964 to 6,157 during the ten reporting periods. The overall efficiency for making Permit Completeness decisions over the last ten years is 97.85% (42,483 of 43,416).

Table 10. compares timely final permit decisions made by DWR for the FY 2012/2013 through FY 2021/2022 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 ranged from 6,826 to 17,765 decisions over the last ten Semiannual Environmental Permitting Reporting periods. The number of permit applications varies due to changes in the economy and weather, as well as the inclusion of permitted activities that were not originally counted in FY 2012/2013. DWR increased its timeliness in making timely permit decisions from 90.5% to 99.5% over the last ten years. This is an increase of 9.9% in permitting efficiency. The overall efficiency for making Final Permit Decisions for complete DWR permit applications is 98.7% (120,386 of 121,985).

FY 2020/2021 Semiannual Environmental Permitting Report Summary

Permit Completeness Decisions

Of the 7,153 permit applications in TDEC's inventory, the regulatory time limit for 194 Permit Applications for completeness review extended beyond December 31, 2021. The remaining 6,959 permit applications were subject to Permit Completeness decisions on or before December 31, 2021. TDEC made 6,762 Permit Completeness decisions within statutory and regulatory time limits. TDEC did not make permit completeness decisions for 111 permit applications within the statutory and regulatory time limits. TDEC made permit completeness decisions for 98.4% of all permit applications subject to review in this time period. A breakdown by Division of FY 2021/2022 Permit Application Completeness efficiency is provided in Table 1. in Appendix 1.

TDEC also measured how efficiently Permit Completeness decisions were made during the FY 2012/2013 through FY 2021/2022 time period. This information is presented in Table 11 in Appendix 1. During this ten-year period, TDEC made 98.6% of all permit completeness

decisions within statutory and regulatory time limits. Semiannual permitting completeness decisions within regulatory and statutory limits ranged from 96.2% to 99.7% over the last ten years. The Permit Completeness Decision efficiency over the last ten years is 98.6%, 66,846 of 67,781 permit applications.

Final Permit Decisions

TDEC had an inventory of 24,229 permit applications during the July 1 through December 31, 2021, time period. There were 20,724 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 20,613 permit applications within the regulatory and/or statutory time limits (99.5%). The remaining 111 permit applications were approved or denied after the statutory and regulatory time limits. This information is presented in Table 2. of Appendix 1.

TDEC also measured how efficiently Final Permit decisions were made during the FY 2012/2013 through FY 2021/2022 time period. This information is presented in Table 12. During this ten-year period, TDEC made 98.6% of all Final Permit decisions (170,279 of 172,613) within statutory and regulatory time limits. The range for Final Permit decision efficiency made within regulatory and statutory limits ranged from 92.2% to 99.6% over the last ten reporting periods, with an average annual percentage of 98.5% of all final permit decisions made within regulatory and statutory time limits.

TDEC Processes

TDEC 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 exceeded the regulatory and statutory time limits for review over a ten-year period. This illustrates our commitment to providing excellent customer service while dealing with increases in the number of permit applications and permit modification applications.

| Year | Permit Completeness Reviews | Final Permit Decisions |
|--------------|-----------------------------|------------------------|
| FY 2012/2013 | 5,640 | 11,806 |
| FY 2021/2022 | 6,873 | 20,724 |

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 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, TDEC will consider transitioning from individual permits to general permits and permits-by-rule, and possibly remove the requirement for general permit or permit-by-rule and replace it with a notification of activity that includes specific reporting and inspection requirements to ensure protection of public health and the environment.

While TDEC 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 worked to improve our public participation process to incorporate the assistance of our Regional Directors of External Affairs (EA Directors). The EA Directors developed a standard protocol for alerting any interested parties of public meetings and hearings regarding specific permit applications. The EA Directors also modified the meeting structure to ensure maximum attendee participation. As a part of this effort, we trained more staff members to help with public meetings, which in turn makes more staff members available to conduct public meetings and hearings as well as talk informally with meeting attendees.

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 Molly Cripps, Director of BOE Operations (email molly.cripps@tn.gov or phone 615-253-1945).

Appendix 1.
Tennessee Department of Environment and Conservation
FY 2021/2022 Semiannual Permitting Report Tables

**Table 1. Summary of TDEC-Bureau of Environment Permitting Performance
FY 2021/2022 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 30, 2021 | Permit Applications for Completeness Review Received between 7/1/21 and 12/31/21 | Total Permit Applications in House for Permit Completeness Review | Permit Applications not subject to the Statutory and/or Regulatory Time Limit this 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 | 49 | 205 | 254 | 65 | 189 | 0 | 254 | 100.0% |
| DRH | 0 | 2,334 | 2,334 | 0 | 2,334 | 0 | 2,334 | 100.0% |
| DWR | 309 | 4,209 | 4,518 | 116 | 4,205 | 111 | 4,432 | 97.4% |
| SWM | 8 | 39 | 47 | 13 | 34 | 0 | 47 | 100.0% |
| Totals | 366 | 6,787 | 7,153 | 194 | 6,762 | 111 | 7,067 | 98.4% |

**Table 2. TDEC - Bureau of Environment Permitting Performance
FY 2021/2022 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, 2021 | Permit Applications Received for Final Permit Decisions between 7/1/21 & 12/31/21 | Total Permit Applications in House for Final Permit Decisions this time period | Permit Applications not subject to the Statutory and/or Regulatory Time Limits for Final Permit Decisions this 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 | 424 | 675 | 1,099 | 526 | 552 | 21 | 1,099 | 96.3% |
| DRH | 0 | 2,334 | 2,334 | 0 | 2,334 | 0 | 2,334 | 100.0% |
| DWR | 965 | 16,800 | 17,765 | 1,382 | 16,548 | 90 | 18,020 | 99.5% |
| SWM | 296 | 2,735 | 3,031 | 1,852 | 1,179 | 0 | 3,031 | 100.0% |
| Totals | 1,685 | 22,544 | 24,229 | 3,760 | 20,613 | 111 | 24,484 | 99.5% |

**Table 3. Summary of SWM Environmental Permitting Performance
FY 2021/2022 Semiannual Permit Completeness Decisions Report**

| Table 3. Summary of SWM Environmental Permitting Performance FY 2021/2022 Semiannual Permit Completeness Decisions Report | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Permit | Applications, Modifications, And Renewals Received | | | Permit Completeness Review Data | | | | Success |
| Fiscal Year | Permit Applications for Completeness Review on hand - July 1st | Permit Applications for Completeness Review Received between July 1st and December 31st | Permit Applications for Permit Completeness Review through December 31st | Permit Applications not subject to the Statutory and/or Regulatory Time Limit this period | Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit | Permit Application Completeness Decisions exceeding the Statutory and/or Regulatory Time Limit | Total Number of Permit Applications in House for Permit Completeness Review | % Permit Application Completeness Decisions made within the Statutory and/or Regulatory Time Limit |
| FY 12/13 | 19 | 235 | 254 | 0 | 252 | 2 | 254 | 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% |
| FY 18/19 | 13 | 21 | 34 | 20 | 14 | 0 | 34 | 100.0% |
| FY 19/20 | 2 | 33 | 35 | 12 | 22 | 1 | 35 | 95.7% |
| FY 20/21 | 11 | 40 | 51 | 14 | 37 | 0 | 51 | 100.0% |
| FY 21/22 | 8 | 39 | 47 | 13 | 34 | 0 | 47 | 100.0% |
| Totals | 82 | 1,050 | 1,132 | 105 | 1,023 | 4 | 1,132 | |
| Average | 8 | 105 | 113 | 11 | 102 | 0.4 | 113 | 99.5% |

**Table 4. Summary of SWM Environmental Permitting Performance
FY 2021/2022 Semiannual Final Permit Approval/Denial Report**

| Permits | Applications, Modifications and Renewals Received | | | Final Permit Decision Data | | | | Success |
|----------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| | Permit Applications in house for Final Permit Decisions on July 1 st | Permit Applications Received for Final Permit Decisions between July 1 st and December 31 st | Total Permit Applications in House for Final Permit Decisions this time period | Permit Applications not subject to the Statutory and/or Regulatory Time Limits for Final Permit Decisions this 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 |
| 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% |
| FY 18/19 | 413 | 1,867 | 2,280 | 1,385 | 895 | 0 | 2,280 | 100.0% |
| FY 19/20 | 364 | 3,006 | 3,370 | 2,510 | 860 | 0 | 3,370 | 100.0% |
| FY 20/21 | 420 | 3,541 | 3,961 | 542 | 3,417 | 2 | 3,961 | 99.94% |
| FY 21/22 | 296 | 2,735 | 3,031 | 1,852 | 1,179 | 0 | 3,031 | 100.0% |
| Totals | 4,255 | 26,280 | 30,535 | 7,390 | 23,140 | 5 | 30,535 | |
| Average | 426 | 2,628 | 3,054 | 739 | 2,314 | 0.5 | 3,054 | 99.99% |

**Table 5. Summary of DRH Environmental Permitting Performance
FY 2021/2022 Semiannual Permit Completeness Decisions Report**

| Table 5. Summary of DRH Environmental Permitting Performance FY 2021/2022 Semiannual Permit Completeness Decisions Report | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permit | Applications, Modifications and Renewals Received | | | Permit Completeness Review Time Limits | | | Success |
| Fiscal Year | Permit Applications for Completeness Review on hand July 1st | 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 - December 31st meeting the specified time limits | Permit Application Completeness Decisions made between July 1st - December 31st exceeding the specified time limits | % Permit Application Completeness Decisions made meeting the specified time limit between July 1st - December 31st |
| FY 12/13 | 0 | 2,117 | 2,117 | 0 | 2,117 | 0 | 100.0% |
| FY 13/14 | 0 | 1,374 | 1,374 | 0 | 1,374 | 0 | 100.0% |
| FY 14/15 | 0 | 2,223 | 2,223 | 0 | 2,223 | 0 | 100.0% |
| FY 15/16 | 0 | 2,215 | 2,215 | 0 | 2,215 | 0 | 100.0% |
| FY 16/17 | 0 | 2,062 | 2,062 | 0 | 2,062 | 0 | 100.0% |
| FY 17/18 | 0 | 1,562 | 1,562 | 0 | 1,562 | 0 | 100.0% |
| FY 18/19 | 0 | 1,573 | 1,573 | 0 | 1,573 | 0 | 100.0% |
| FY 19/20 | 0 | 2,068 | 2,068 | 0 | 2,068 | 0 | 100.0% |
| FY 20/21 | 0 | 2,106 | 2,106 | 0 | 2,106 | 0 | 100.0% |
| FY 21/22 | 0 | 2,334 | 2,334 | 0 | 2,334 | 0 | 100.0% |
| Totals | 0 | 19,634 | 19,634 | 0 | 19,634 | 0 | |
| Average | 0 | 1,963 | 1,963 | 0 | 1,963 | 0 | 100.0% |

**Table 6. Summary of DRH Environmental Permitting Performance
FY 2021/2022 Semiannual Final Permit Decisions Report**

| Table 6. Summary of DRH Environmental Permitting Performance FY 2021/2022 Semiannual Final Permit Decisions Report | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permits | Applications, Modifications And Renewals Received | | | Final Permit Decision Data | | | Success |
| Fiscal Year | Permit Applications in house for Final Permit Decisions on July 1st | 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 | 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 | % Final Permit 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 | 100.0% |
| FY 13/14 | 0 | 1,374 | 1,374 | 0 | 1,374 | 0 | 100.0% |
| FY 14/15 | 0 | 2,223 | 2,223 | 0 | 2,223 | 0 | 100.0% |
| FY 15/16 | 0 | 2,215 | 2,215 | 0 | 2,215 | 0 | 100.0% |
| FY 16/17 | 0 | 2,062 | 2,062 | 1 | 2,061 | 0 | 100.0% |
| FY 17/18 | 0 | 1,562 | 1,562 | 0 | 1,562 | 0 | 100.0% |
| FY 18/19 | 0 | 1,573 | 1,573 | 0 | 1,573 | 0 | 100.0% |
| FY 19/20 | 0 | 2,068 | 2,068 | 0 | 2,068 | 0 | 100.0% |
| FY 20/21 | 0 | 2,106 | 2,106 | 0 | 2,106 | 0 | 100.0% |
| FY 21/22 | 0 | 2,334 | 2,334 | 0 | 2,334 | 0 | 100.0% |
| Totals | 0 | 19,634 | 19,634 | 1 | 19,633 | 0 | |
| Average | 0 | 1,963 | 1,963 | .10 | 1,963 | 0 | 100.0% |

**Table 7. Summary of APC Environmental Permitting Performance
FY 2021/2022 Semiannual Permit Completeness Decisions Report**

| Table 7. Summary of APC Environmental Permitting Performance FY 2021/2022 Semiannual Permit Completeness Decisions Report | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permit | Applications, Modifications and Renewals Received | | | Permit Completeness Review Time Limits | | | Success |
| Fiscal Year | Permit Applications for Completeness Review on hand - July 1st | 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 - December 31st meeting the specified time limits | Permit Application Completeness Decisions made between July 1st - December 31st exceeding the specified time limits | % Permit Application Completeness Decisions made meeting the specified time limit between July 1st - December 31st |
| FY 12/13 | 300 | 200 | 500 | 25 | 475 | 0 | 100.0% |
| FY 13/14 | 341 | 420 | 761 | 0 | 761 | 0 | 100.0% |
| FY 14/15 | 79 | 428 | 507 | 84 | 423 | 0 | 100.0% |
| FY 15/16 | 93 | 815 | 908 | 102 | 806 | 0 | 100.0% |
| FY 16/17 | 45 | 206 | 251 | 45 | 206 | 0 | 100.0% |
| FY 17/18 | 51 | 192 | 243 | 43 | 200 | 0 | 100.0% |
| FY 18/19 | 48 | 186 | 234 | 43 | 191 | 0 | 100.0% |
| FY 19/20 | 40 | 186 | 226 | 52 | 174 | 0 | 100.0% |
| FY 20/21 | 31 | 181 | 212 | 47 | 165 | 0 | 100.0% |
| FY 21/22 | 49 | 205 | 254 | 65 | 189 | 0 | 100.0% |
| Totals | 1077 | 3,019 | 4,096 | 506 | 3,590 | 0 | |
| Average | 108 | 302 | 410 | 51 | 359 | 0 | 100.0% |

**Table 8. Summary of APC Environmental Permitting Performance
FY 2021/2022 Semiannual Final Permit Decisions Report**

| Table 8. Summary of APC Environmental Permitting Performance FY 2021/2022 Semiannual Final Permit Decisions Report | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permits | Applications, Modifications and Renewals Received | | | Final Permit Decision Data | | | Success |
| Fiscal Year | Permit Applications in house for Final Permit Decisions on July 1st | 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 | 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 | % Final Permit 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 | 43.9% |
| FY 13/14 | 458 | 485 | 943 | 287 | 438 | 218 | 66.8% |
| FY 14/15 | 315 | 515 | 830 | 339 | 440 | 51 | 89.6% |
| FY 15/16 | 694 | 843 | 1,537 | 675 | 814 | 48 | 94.4% |
| FY 16/17 | 641 | 742 | 1,383 | 766 | 569 | 48 | 92.2% |
| FY 17/18 | 792 | 787 | 1,579 | 629 | 943 | 7 | 99.3% |
| FY 18/19 | 792 | 1,590 | 2,382 | 539 | 1,837 | 6 | 99.7% |
| FY 19/20 | 449 | 862 | 1,311 | 392 | 905 | 14 | 98.5% |
| FY 20/21 | 599 | 478 | 1077 | 678 | 385 | 14 | 96.5% |
| FY21/22 | 424 | 675 | 1099 | 526 | 552 | 21 | 96.3% |
| Totals | 5,623 | 7,259 | 12,882 | 5,032 | 7,120 | 730 | |
| Average | 562 | 726 | 1,288 | 503 | 712 | 73 | 87.7% |

**Table 9. Summary of DWR Environmental Permitting Performance
FY 2021/2022 Semiannual Permit Completeness Decisions Report**

| Table 9. Summary of DWR Environmental Permitting Performance FY 2021/2022 Semiannual Permit Completeness Decisions Report | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permit | Applications, Modifications and Renewals Received | | | Permit Completeness Review Time Limits | | | Success |
| Fiscal Year | Permit Applications for Completeness Review on hand - July 1st | 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 - December 31st meeting the specified time limits | Permit Application Completeness Decisions made between July 1st - December 31st exceeding the specified time limits | % Permit Application Completeness Decisions made meeting the specified time limit between July 1st - December 31st |
| FY 12/13 | 484 | 2,480 | 2,964 | 168 | 2,715 | 81 | 97.1% |
| FY 13/14 | 247 | 2,944 | 3,191 | 38 | 2,940 | 213 | 93.2% |
| FY 14/15 | 288 | 5,869 | 6,157 | 56 | 6,007 | 94 | 98.5% |
| FY 15/16 | 554 | 4,348 | 4,902 | 293 | 4,486 | 123 | 97.3% |
| FY 16/17 | 450 | 3,946 | 4,396 | 257 | 4,120 | 19 | 99.5% |
| FY 17/18 | 601 | 3,960 | 4,561 | 466 | 4,025 | 70 | 98.3% |
| FY 18/19 | 487 | 4,182 | 4,669 | 362 | 4,266 | 41 | 99.0% |
| FY 19/20 | 320 | 4,491 | 4,811 | 125 | 4,616 | 70 | 98.5% |
| FY 20/21 | 302 | 5,040 | 5,342 | 128 | 5,103 | 111 | 97.9% |
| FY 21/22 | 309 | 4,209 | 4,518 | 116 | 4,205 | 111 | 97.4% |
| Totals | 4,042 | 41,469 | 45,511 | 2,009 | 42,483 | 933 | |
| Average | 404 | 4,147 | 4,551 | 201 | 4,248 | 93 | 97.7% |

**Table 10. Summary of DWR Environmental Permitting Performance
FY 2021/2022 Semiannual Final Permit Decisions Report**

| Table 10. Summary of DWR Environmental Permitting Performance FY 2021/2022 Semiannual Final Permit Decisions Report | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permits | Applications, Modifications And Renewals Received | | | Final Permit Decision Data | | | Success |
| Fiscal Year | Permit Applications in house for Final Permit Decisions on July 1st | 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 | 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 | % Final Permit Decisions made between July 1st and December 31st within the Statutory and/or Regulatory Time Limit |
| FY 12/13 | 371 | 6,455 | 6,826 | 333 | 5,875 | 618 | 90.5% |
| FY 13/14 | 424 | 13,926 | 14,350 | 70 | 14,041 | 239 | 98.3% |
| FY 14/15 | 1,310 | 15,251 | 16,561 | 185 | 16,125 | 251 | 98.5% |
| FY 15/16 | 320 | 14,970 | 15,290 | 392 | 14,790 | 108 | 99.3% |
| FY 16/17 | 640 | 10,873 | 11,513 | 432 | 11,031 | 50 | 99.5% |
| FY 17/18 | 726 | 11,841 | 12,567 | 640 | 11,851 | 76 | 99.4% |
| FY 18/19 | 230 | 7,419 | 7,649 | 357 | 7,255 | 37 | 99.5% |
| FY 19/20 | 380 | 10,290 | 10,670 | 320 | 10,177 | 59 | 99.4% |
| FY 20/21 | 641 | 12,496 | 13,137 | 459 | 12,693 | 71 | 99.4% |
| FY21/22 | 965 | 16,800 | 17,765 | 1,382 | 16,548 | 90 | 99.5% |
| Totals | 6,007 | 120,321 | 126,328 | 4,570 | 120,386 | 1,599 | |
| Average | 601 | 12,032 | 12,633 | 457 | 12,039 | 160 | 98.3% |

**Table 11. Summary of BOE Environmental Permitting Performance
FY 2021/2022 Semiannual Permit Completeness Decisions Report**

| Table 11. Summary of BOE Environmental Permitting Performance FY 2021/2022 Semiannual Permit Completeness Decisions Report | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Permit | Applications, Modifications And Renewals Received | | | Permit Completeness Review Time Limits | | | Success |
| Fiscal Year | Permit Applications for Completeness Review on hand - July 1st | 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 - December 31st meeting the specified time limits | Permit Application Completeness Decisions made between July 1st - December 31st exceeding the specified time limits | % Permit Application Completeness Decisions made meeting the specified time limit between July 1st - December 31st |
| FY 12/13 | 803 | 5,032 | 5,835 | 195 | 5,559 | 81 | 98.6% |
| FY 13/14 | 591 | 5,257 | 5,848 | 178 | 5,456 | 214 | 96.2% |
| FY 14/15 | 374 | 8,844 | 9,218 | 145 | 8,979 | 94 | 99.0% |
| FY 15/16 | 658 | 7,406 | 8,064 | 408 | 7,533 | 123 | 98.4% |
| FY 16/17 | 500 | 6,247 | 6,747 | 314 | 6,414 | 19 | 99.7% |
| FY 17/18 | 655 | 5,741 | 6,396 | 518 | 5,808 | 70 | 98.8% |
| FY 18/19 | 548 | 5,962 | 6,510 | 425 | 6,044 | 41 | 99.3% |
| FY 19/20 | 362 | 6,778 | 7,140 | 189 | 6,880 | 71 | 99.0% |
| FY 20/21 | 344 | 7,367 | 7,711 | 189 | 7,411 | 111 | 98.5% |
| FY 21/22 | 366 | 6,787 | 7,153 | 194 | 6,762 | 111 | 98.4% |
| Totals | 5,201 | 65,421 | 70,622 | 2,755 | 66,846 | 935 | |
| Average | 520 | 6,542 | 7,062 | 276 | 6,685 | 94 | 98.6% |

**Table 12. Summary of BOE Environmental Permitting Performance
Semiannual Final Permit Decisions Report**

| Table 12. Summary of BOE Environmental Permitting Performance Semiannual Final Permit Decisions Report | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permits | Applications, Modifications And Renewals Received | | | Final Permit Decision Data | | | Success |
| Fiscal Year | Permit Applications in house for Final Permit Decisions on July 1st | 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 | 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 | % Final Permit 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 | 92.2% |
| FY 13/14 | 1,020 | 18,173 | 19,193 | 507 | 18,228 | 458 | 97.5% |
| FY 14/15 | 1,992 | 20,752 | 22,744 | 708 | 21,734 | 302 | 98.6% |
| FY 15/16 | 1,326 | 20,599 | 21,925 | 1,230 | 20,538 | 157 | 99.2% |
| FY 16/17 | 1,999 | 16,409 | 18,408 | 1,777 | 16,532 | 99 | 99.4% |
| FY 17/18 | 2,063 | 16,893 | 18,956 | 1,295 | 17,578 | 83 | 99.5% |
| FY 18/19 | 1,435 | 12,449 | 13,884 | 2,281 | 11,560 | 43 | 99.6% |
| FY 19/20 | 1,193 | 16,226 | 17,419 | 3,222 | 14,010 | 73 | 99.5% |
| FY 20/21 | 1,660 | 18,621 | 20,281 | 1,679 | 18,601 | 87 | 99.5% |
| FY 21/22 | 1,685 | 22,544 | 24,229 | 3,760 | 20,613 | 111 | 99.5% |
| Totals | 15,885 | 173,494 | 189,379 | 16,993 | 170,279 | 2,334 | |
| Average | 1,589 | 17,349 | 18,938 | 1,699 | 17,028 | 233 | 98.5% |

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 (2020)

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.