



TDEC Permit & Public Hearing Process

Disclaimer: This is to serve as a high level general overview for permitting; there are nuances within each permit type per each division within TDEC.

Overview & Timeline:

Prior to Public Hearing:

- **PERMIT APPLICATION:** An applicant applies for a permit with TDEC by submitting an application for review by technical staff within the appropriate division. Staff will then review and confirm if the application is complete or notify the applicant that the application is deficient and request additional information.
- **PUBLIC NOTICE:** As part of the application process, the applicant will publish a public notice as required by the law that applies to the specific permit. The applicant may also post a sign legible from a public road close to the project site to inform the public about the permit application.
- **TENTATIVE DECISION:** For some permits, the law requires TDEC to prepare draft permit or a notice of intent to deny the permit. A public notice announces this tentative decision and provides at least 30 days for the public to review and provide comments.)
- **PUBLIC HEARING:** For some permits, the law requires a public hearing. For others, if there is significant degree of public interest regarding issues addressed by the permit, a public hearing regarding the permit application can be held near the proposed project site. The hearing will be announced in advance in accordance with applicable law. Notices can be found on TDEC's Public Participation webpage and calendar:
<https://www.tn.gov/environment/ppo-public-participation.html>
 - Comments can be submitted via mail or email separate from the public hearing, and all written responses received before the deadline published in the public notice will be included in the record.
 - TDEC contact information is included in the notice and public hearing agenda.

- **ACCESS TO INFO:** Some permit files can be found online via TDEC's division dataviewers, <https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html>
If you would like to receive public notice of permit actions directly, contact the Public Participation Officer in the applicable division to be added to the mailing list.

At the Public Hearing:

- First, there is an information session:
 - At least 30 minutes; may last for up to an hour depending on interest.
 - Offers the opportunity to learn and discuss the project with TDEC staff and, in some cases, with the applicant.
 - Public can ask questions and get answers during this time.
 - Held immediately prior to the public hearing.

- During the public hearing:
 - TDEC and, in some cases, the applicant give short presentations regarding the proposed permit.
 - Public is invited to present their comments to TDEC by giving oral statements regarding the permit under review
 - Comments are only received; this is the public's time to talk. TDEC does not respond to the comments during the hearing.
 - No decision or vote on the permit is made at the hearing.
 - The hearing is open and available for anyone to attend.
 - For those with limited English, TDEC may be able to provide translation or interpretation services free of charge.
 - EEO/AA/ADAAA inquiries or complaints may be directed to the ADAAA Coordinator, HR Division, at 615-532-0200. Hearing impaired callers may use the Tennessee Relay Service (800-848-0298).

- Public Hearing Protocol:
 - A moderator will be present to ensure the meeting goes smoothly and that everyone who wishes to comment has that opportunity.
 - The moderator may limit the length of comments to ensure all parties have an opportunity to speak. Typically this limit is 3-5 minutes. Any person can also submit written testimony.
 - All public hearings are recorded by TDEC staff. If attendees provide their email or mailing address on the sign-in sheet, TDEC staff provide the attendee with the final decision and responses to comments on the permit.

After the Public Hearing:

- TDEC staff review and consider the hearing record and all public comments and may prepare a written response to comments to be published with the final permit determination.
- TDEC may decide to issue the permit as presented during the hearing, modify the draft permit in response to comments and issue that version, or deny the permit.
- Any response to comments and notice of the final permit determination will be provided on the TDEC website and shared with anyone who has made comments or otherwise requested to be informed and who has provided accurate contact information.

Frequently Asked Questions (FAQ):

Is there a vote during the public hearing? No voting occurs at the public hearing nor during the permitting process. The permit decision is based on the completeness and substance of the application, any public comments received, and applicable legal requirements.

If I'm unable to make the public hearing can I still submit a comment? Yes, comments can be submitted via mail or email as well. Instructions for providing comments are on the public notice. Comments will be considered without regard to whether they are submitted during the hearing or are written and submitted during the comment period.

When does the comment period start and begin? The comment period begins when the public notice inviting comments is first published. The notice will specify when the comment period ends. The comment period typically lasts 30 days.

Who makes the final decision on the permit being approved? The person given permitting authority by law or through delegation by a board or the commissioner makes the final permit decision. Often, the director of a TDEC division is that person.

What public comments cannot be considered when making a permit decision? Comments that address subjects that are not within the permit's jurisdiction cannot be considered.



APC Permit & Hearing Process

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Overview & Timeline:

Prior to Public Hearing:

- PERMIT APPLICATION: An applicant applies for a permit with TDEC by submitting an application for review by technical staff within the appropriate division. Staff will then review and confirm if the application is complete or send a Notice of Deficiency to request additional information.
- PUBLIC NOTICE: As part of the application process, a public notice is published in a newspaper of general circulation local to the project. For Most applications, this occurs following receipt of a complete permit application. For certain other applications (e.g, major New Source Review permits and Title V permits) the public notice is published once a draft permit has been prepared.
- TENTATIVE DECISION: TDEC staff conduct an in-depth review of the complete application and tentatively decide whether the application meets the applicable requirements of state rules and regulation. (TDEC contact info is provided in the public notice)
- PUBLIC MEETING: If there is significant degree of public interest and substantive issues to the application, a public meeting regarding the application will be held near the proposed project site. This will be announced in advance.
 - TDEC staff issue a Public Hearing Notice in local newspaper near the project site and TDEC's Public Participation webpage and calendar
- ACCESS TO INFO: All permit files can be reviewed online via TDEC's division data viewers, <https://www.tn.gov/environment/ppo-public-participation.html>

At the Public Hearing:

- First, there is an information session:
 - At least 30 minutes; may last for up to an hour depending on interest.
 - Offers the opportunity to learn and discuss the project with TDEC staff.
 - Public can ask questions and get answers during this time.
 - Held immediately prior to the public hearing.

- During the public hearing:
 - TDEC and applicant give short presentations regarding the proposed permit.
 - Public is invited to present their comments to TDEC by giving oral statements regarding the permit under review
 - Comments are only received; this is the public's time to talk. TDEC does not respond to the comments during the hearing.
 - No decision or vote on the permit is made at the hearing.
 - The hearing is open and available for anyone to attend.
 - For those with limited English, TDEC may be able to provide translation or interpretation services free of charge.
 - EEO/AA/ADAAA inquiries or complaints may be directed to the ADAAA Coordinator, HR Division, at 615-532-0200. Hearing impaired callers may use the Tennessee Relay Service (800-848-0298).

- Public Hearing Protocol:
 - The Hearing Officer and moderator may limit comments to 3 minutes in order to ensure all parties have an opportunity to speak.
 - Those that attend the public hearing and sign in on the record of attendance, make an oral or written comment, may gain legal standing to qualify to make a third party action to the final decision of the permit.
 - All public hearings are recorded by TDEC staff. If attendees provide their email or mailing address on the Record of Attendance, TDEC staff provide the final decision and responses to comments of the permit.

After the Public Hearing:

- Comments can be submitted via mail or email separate from the public hearing, and all written responses received before the deadline will be included incorporated into the record.

- TDEC contact info is included in the notice and public hearing agenda.
- When the comment permit closes after the public hearing, TDEC staff review the hearing record and all public comments and prepare a written Response to Comments.
- TDEC may decide to issue the permit as presented during the hearing, modify the draft permit in response to comments and issue that version, or deny the permit.
- Response to Comments and Notice of Final Decision will be provided on the TDEC website and shared with anyone who has made comments or otherwise requested to be informed.

Frequently Asked Questions (FAQ):

Is there a vote during the public hearing? No voting occurs at the public hearing nor during the permitting process. The permit decision is based on the completeness and substance of the application as well as public comments received.

If I'm unable to make the public hearing can I still submit a comment? Yes, comments can be submitted via mail or email as well. Comment contact info is on the public notice. All relevant significant comments will be considered and responded to in the Response to Comments without regard to how they were raised.

When does the comment period start and begin? The comment period begins when the public notice inviting comments is first published in the local newspaper. The notice will specify when the comment period ends. The comment period typically lasts 30 days.

Who makes the final decision on the permit being approved? The Division Director makes the final permit decision.

What public comments have the most consideration when making a permit decision? The most helpful comments are substantive in nature and relevant to the statutory and regulatory authority of the permit. An example regarding a water-related permit—only matters concerning water quality can be considered by the division; other matters/topics under the purview of other agencies do not weigh in to the final permit decision.

Glossary of Terms:

Response to Comments: TDEC's formal written response to the comments issued during the comment period.

Oral Comment: A formal comment said out loud during a public hearing by an individual that is documented for the public record.

Written Comment: A formal written comment that is submitted by an individual that is documented for the public record during the comment period.

Comment Period: The period of time the public has to comment on the permit being reviewed before a final decision is made.

Final action: the denial or issuance of a permit.

Record of Attendance: This refers to the sign in sheet at the public hearing that individuals sign to document their attendance.

Legal Standing: This occurs by 1) attending the hearing and signing the record of attendance and/or 2) by submitting an oral or written comment. Any of these actions qualifies an individual to be able to take a third party action on the final action of the permit.

Third Party Appeal: Someone other than the applicant can appeal the permit decision if they have legal standing (see above definition).

Hearing Officer: A neutral moderator of the meeting that does not represent that permit applicant or division reviewing the permit. Their objective is to ensure the meeting goes smoothly and that everyone who wishes to comment has that opportunity.

Permit Coordinator / Permit Writer: TDEC staff who reviews the applicant's application and comments received, makes requests for information and advises the director regarding the final decision

Permit Applicant: an individual person or corporation or agency.