TCCI Environment & Energy Awards Conference

Division of Air Pollution Control Program Update and Process Improvements

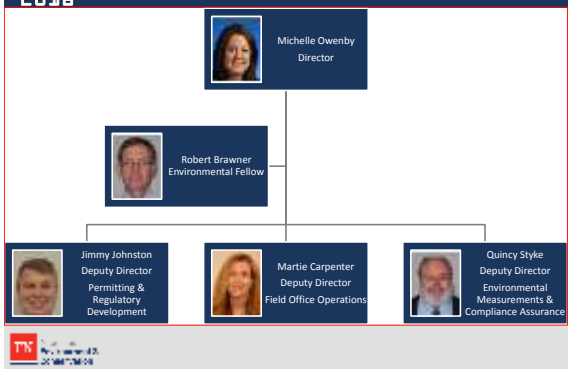
October 27, 2016

Michelle Walker Owenby, Director

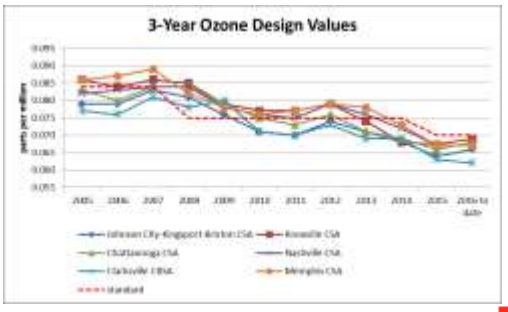
Division Mission Statement

The Division of Air Pollution Control's mission is to maintain and improve air quality to protect the health and welfare of Tennesseans through monitoring, regulatory activities and education in a manner that promotes maximum employment and economic growth.

TN Division of Air Pollution Control - 2016



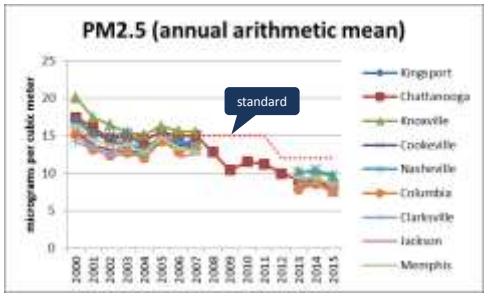
Ozone



2008 Ozone Nonattainment Area Status - Memphis

- Attained standard in 2014
- Shelby County Health Department prepared maintenance plan & redesignation request
  - TDEC Submitted to EPA on 1/14/2016
  - EPA Re-Designated TN Portion of Memphis to "Attainment"on 6/23/2016
- Arkansas DEQ And Mississippi DEQ, submitted similar requests in late 2015
  - EPA Re-Designated AR & MS portions to "Attainment" in April, 2015

Fine Particulate Matter ($PM_{2.5}$)



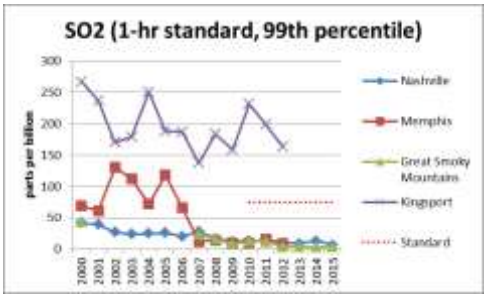
1997 & 2006 Nonattainment Area Status - Knoxville

- Attained standard in 2013
- Draft Maintenance Plans and Redesignation Requests sent to EPA for Interagency Consultation September 7, 2016
- Tentative Schedule
  - Proposal in October 2016
  - Public Hearing in November 2016
  - Board Adoption and Submittal in December 2016

Lead

- 2008 Lead NAAQS Nonattainment Area Sullivan Co (partial)
  - Attained Standard in 2013
  - Maintenance Plan & Redsignatior Request submitted to EPA on 7/10/2015
  - EPA Re-designated area to "Attainment" on July 7, 2016

Sulfur Dioxide (SO_2)



Round 1 - Kingsport Area

- August 5, 2013
- 3 km radius around Eastman Chemical
- Based on Violating Monitor
- Working with EPA on Attainment Plan

Round 2 - TVA Gallatin Plant

- FGD installed all four units at TVA Gallatin. Completed April, 2016.

- Designated "unclassifiable"
- Moves to Round 3
- Modeling with new limits completed & approved by EPA

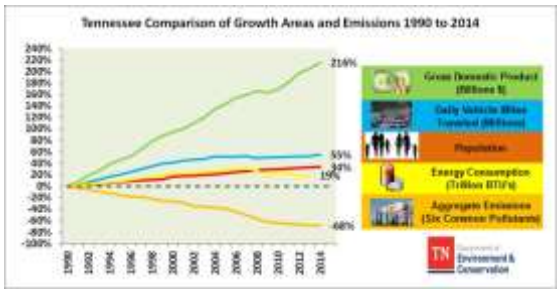
Round 3 (modeling)

TVA Cumberland

TVA Johnsonville

TVA Allen

Tennessee Grows while Emissions Decline



Process Improvements

- Permitting Streamlining Efforts
- Ambient Monitor Quality Assurance and Control Plans
- Doing Business with APC

Permit Streamlining Efforts

- Rulemaking completed & procedures being developed for:
  - General Permits (effective December 2015)
  - Dry Cleaners will be first type of facility for which a GP will be available
  - APC hopes to issue Public Notice for GP for Dry Cleaners in November 2016
- Rulemaking underway to provide TDEC with <u>authority</u> to issue:
  - Permits-by-Rule
    - Gasoline Dispensing Facilities
    - Stationary Emergency Engines
    - Auto Body Repair Shops
  - Combined Construction and Operating Permits
  - True Minor and Conditional Major Ownership Changes through Permit Amendment
  - Changes to Exemptions to allow sources subject to Federal NSPS & NESHAP to qualify as "insignificant activities"
- Public Hearing on package November 2nd, expect to take to Board in December 2016
- Construction Permit LEAN Process

Permit Streamlining Efforts Continued…

- General Permits
  - Single permit issued by APC for specific type of facility
  - Looks like a traditional permit, but not issued to specific facility
  - Sources can choose to be covered under a general permit if eligible or get an individual permit
  - General Permit can act as both a construction and operating permit
- Permit-by-Rule
  - Source category or emissions unit specific
  - All of the regulatory requirements are put in APC's rules
  - Owner or operator of facility elects to be subject to a Permit-by-Rule instead of getting a permit
    - Submit a "notice of intent" (NOI) for a specific Permit-by-Rule
    - Receive a "notice of authorization" (NOA) to construct, modify, or operate the source (instead of a permit)
    - Comply with the applicable rule
- Permit-by-Rule Eligibility:
  - Sources identified in APC's rule 1200-03-09-.07, "Permits-by-Rule"
  - Sources that are not Title V Major
  - Sources that have not taken limits to opt out of Title V
  - Source NOT located in serious, severe, or extreme ozone nonattainment areas with PTE > 10 tons/yr of VOC and/or NOx

Permit Streamlining Efforts Continued…

- Construction Permit LEAN Process- April 2016
  - Public notices now issued once a week vs. every two weeks- can reduce the time to issue a permit by one week (complete)
  - Administrative procedures have been written and streamlined- this reduces the time to issue a permit and insures that permits are issued the same way (complete)
  - External concerns related to generic permit application email replies and what makes a complete application are being addressed (in progress)
  - Improving communication procedures between Field Office inspectors, permit applicants, and Central Office permit writers- communication improvements will result in clearer permits better suited to each applicant (in progress)
  - Preparing a standardized construction permit shell- will streamline permit issuance and improve consistency so that all permits will look more alike (in progress)
  - Preparing standardized permit conditions for both single and multiple sources- will streamline permit issuance and improve consistency (in progress)

Ambient Monitoring Requirements & Plans

- Ambient monitoring requirements for criteria pollutants revised March 28, 2016
  - Decade of changes to air monitoring regulations to address changes that have increased the monitoring agency compliance burden and made technical basis for some requirements outdated:
    - Changes to the NAAQs
    - Technological changes (continuous fine particulate monitoring)
    - More sophisticated monitoring stations (near-road network and Ncore multi-pollutant sites)
- EPA is working with states to revise their Quality Assurance Plans
  - Tennessee's Project Plan for SO_2 monitoring in Kingsport, TN was approved on June 28, 2016
  - Tennessee is in the process of revising its Plan for the rest of the state

Doing Business with APC

- Ruggedized tablets purchased- expecting delivery within 6-8 weeks
- Customer service survey link in electronic communications
- Continued progress on elimination of paper files

Doing Business with APC Continued…

- TDEC Online Business

Four (4) Objectives in Calendar Year 2017

Objective 1: Online Permitting/Registrations

Goal: Provide the ability to process 31,996 permits/registrations online by close of CY 2017

Objective 2: Mobile Inspections

Goal: Provide the ability to perform 8306 inspections via mobile tablets by close of CY 2017

Objective 3: Electronic Forms Completion and Delivery

Goal: Make 50% of TDEC's top-priority forms fillable and deliverable electronically

Objective 4: Digitization of Paper

Goal: Reduce total paper document storage to 9,300 cubic feet by June 2018

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Questions?

Department of Environment & Conservation

Division of Water Resources Update

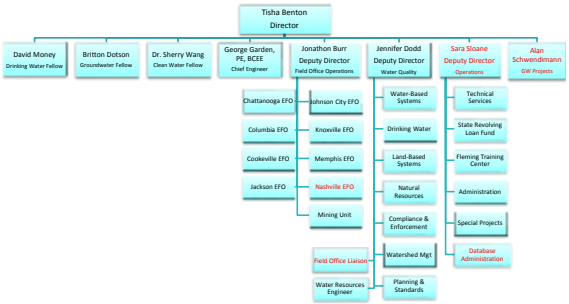
October 27, 2016

Tisha Calabrese Benton - Director

TDEC - Division of Water Resources

- Internal Organization & Planning
- Digitization & Technology
- Regulatory/Program Updates
- Legislative Updates

Org Chart - Division of Water Resources



Digitization and Technology

Focus: Four (4) Objectives in Calendar Year 2017

- Objective 1: Online Permitting/Registrations
  - Goal: Provide the ability to process 31,996 permits/registrations online by close of CY 2017
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  - Goal: Make 50% of TDEC's top-priority forms fillable and deliverable electronically
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Digitization and Technology – DWR

- Beginning to replace computers with tablets
  - Groundwater
  - Water Quality Monitoring
  - ARAP
  - Construction General Permits
- Digitizing records – making more available to the public online
  - Drinking water files
  - Groundwater files
  - CWA files
- eForms
  - Bacterial analysis
  - Disinfectant monitoring reports

DWR Map Viewer

- 16 data layers, including:
  - Assessment data
  - Permits
  - Monitoring sites
- Interchangeable base maps
- Pop ups with information and links to the dataviewer for records

http://tdeconline.tn.gov/dwr/

E-Reporting Update - eMORs and DMRs

- **eMORs** – We will be transitioning systems into using an electronic report, beginning with wastewater
  - Easier to track data
  - Ties in with Plans Review, I&I assessment

- **Federal eReporting Rule** - In April, TDEC DWR began an outreach campaign to assist and move forward enrolling all Phase I permits (majors) into NetDMR.
  - The TDEC NetDMR webpage includes links to resources ,as well as a more expansive training opportunities page.
  - http://www.tn.gov/environment/topic/wr-netdmr-and-electronic-reporting

- NetDMR training opportunities for the regulated community:
  - Quarterly on site trainings began in August at Fleming Training Center
  - Monthly webinar trainings began in September
  - Weekly webinar trainings began in October

eReporting Update - NetDMR

NetDMR Stats as of October 6, 2016

Phase	Permit Type	# of Permits	Registered	Reporting
Individual Permits Phase I Report by 12/21/16	Major Industrial	36	91.67%	55.56%
	Minor Industrial	154	97.40%	96.10%
	Major Municipal	118	93.22%	70.34%
	Minor Municipal	132	73.48%	53.03%
	WTPs	151	62.25%	36.42%
	Mining	402	32.09%	3.23%
	Construction Ind	11	18.18%	9.09%
General Permits Phase II	RMCP	233	42.49%	3.86%
	Hydrostatic	23	0%	0%
	UST	61	9.84%	3.28%

Stormwater - Legislation

- Public Chapter 1007:
  - Any NPDES permit issued to a local government operated MS4… "shall not impose post construction stormwater requirements except to the extent necessary to comply with the minimum requirements of federal law."
  - "Any local governmental entity that adopts control measures that exceed the minimum requirements of federal law, must do so by ordinance or resolution, as appropriate, by the local legislative body by majority vote."
    - A program is grandfathered if they have ordinances/resolutions in place until they seek coverage under a new permit.
    - "The local government entity shall provide in writing the control measures that exceed federal minimum requirements to the local legislative body at least thirty (30) days in advance of a vote in order to provide for a public comment period."

Stormwater - Phase II MS 4 General Permit

- Issued with **Oct. 1, 2016** effective date
  - Meets requirements of both state and federal law
  - Attempts to define "Maximum Extent Practicable" in a way that recognizes the need for flexibility in implementing post construction stormwater controls
  - Received hundreds of comments and evaluated in terms of state and federal law
- Phase I permit reissuance to follow in order of expiration

Mitigation in Tennessee - In Lieu Fee

- 2 In Lieu Fee Mitigation Programs (1 stream, 1 wetland)
- Additional entities showing interest

Mitigation in Tennessee - Banks

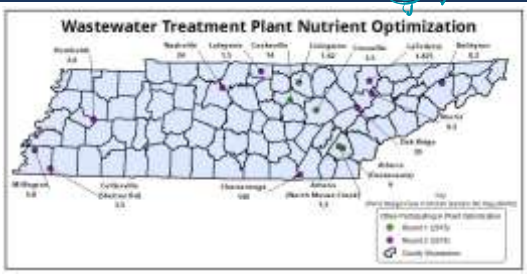
- 13 public banks approved
  - 11 Wetland, 1 Stream,
  - 1 Wetland/Stream
- 1 pending wetland bank, 1 pending stream bank

Mitigation - Permittee Responsible

- Basic information
- Components of a Compensatory Mitigation Plan
- Environmentally preferable alternative

Nutrient Optimization

(Courtesy: The Water Planet)



*One-third optimized such no upgrade required *One-third optimized and in need of 50% conventional upgrade

*One-third in need of conventional upgrade

Rule-Specified Plans Review Process

- Based on current Rule **Chapter 0400-40-02**
  - No rule changes
- Applies only to Wastewater Projects:
  - Wastewater treatment plants
    - Conventional and Decentralized
    - NPDES, SOP (Reuse)
  - Federal or State funded projects
  - Others that would benefit from the process on a voluntary basis
- Four Steps to **avoid late intervention** in design process, **concentrate TDEC efforts** on issues directly affecting permit conditions, **increase communication** between owner-engineer-TDEC

Rule-Specified Plans Review Process

1. **Preliminary discussion**
   - Results in a path forward for permit research and applications, PERs with life cycle cost analyses, submittal requirements for preliminary engineering phase submissions
2. **Engineering Report and Preliminary Plans**
   - Prepare consistent with generally accepted engineering practices
   - ER should provide sufficient detail to determine conformance with Design Criteria or provide justification for variance from standards
   - Approval authorizes proceeding with design process
3. **Site Approval**
   - Proceeds in advance of and concurrent with the preliminary design phase; ends with the combined response to the site investigation and the implementation plan demonstrated in the ER and the preliminary plans
   - Includes any additional investigations the Division deems necessary to determine discharge effluent limitations (permit requirements)
4. **Final Plans, Contract Drawings and Specifications**
   - Look for procurement problems; for safety items; for completeness

Drinking Water Updates

- Tennessee Safe Drinking Water Act amendments to **Lead** notification requirements - Effective January 1, 2017
  - 24 hours to notify TDEC when system wide action level is exceeded. (90th % > 15ug/L)
  - 72 hours to begin public education activities when system-wide action level is exceeded. (90th % > 15ug/L)
  - 72 hours to provide notice of results customers with result above 15 ug/L.
- May 19, 2016 EPA released Health advisories for two compounds **Perfluorooctane sulfonate** (PFOS) and **Perfluorooctanoate** (PFOA) -70 ppt individually or combined
  - No major concern in TN to date. One reported result of 20 ppt (minimum reporting level).
  - DWR is working with Division of Remediation to identify and map potential sources of PFCs and vulnerable water bodies.

Drought Management Plans - Rule Change

Drought Management Plans (DMP)

- TN rule requires Community PWS to update Emergency Operations Plans to include a DMP component and submit for approval.

DMP submittals required

- > 3000 connections June 2016
- >1000-<3000 connections June 2017
- <1000 connections due June 2018

Guidance documents on TN web site

http://tn.gov/assets/entities/environment/attachments/droughtmgtplan_guidance.pdf

Harmful Algal Blooms/Cyanotoxin Response

- Dissemination of EPA advisories and guidance to PWS
- Identification of potential vulnerable systems (32)
- Plan development for toxin screening and response assistance.
- Developed partnership with Tennessee Department of Health for assistance with confirmatory cyanotoxin analysis.
- SWDA/CWA collaboration of occurrence and nutrient reduction efforts in affected water bodies

Questions?

Tisha Calabrese Benton
Director
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TN Department of Environment & Conservation

Division of Solid Waste Management Program Update

Tennessee Chamber of Commerce and Industry Meeting
Montgomery Bell State Park

Division Update

Information to Include:

- Personnel Changes to Division
- Divisional Initiatives
- Regulatory Changes / Program Updates
- Legislative Update

Divisional Changes

Personnel Changes:

- Chris Lagan – New Manager for the DSWM Enforcement Program
- James Warren – Retired as FO Manager in Jackson
- Pete Kelly - Promoted to Manager of the Jackson Environmental Field Office
- Garey Mabry - Retired in December (But back April 1 for 120 Day Employment)
- Rick Whitson – New DSWM Fellow

Divison Initiative

Changes to Solid Waste Inspection Program

- Rolled Out Statewide Uniform Inspection Training (S.U.I.T.)
  - Developed Inspectors Guidance Document
  - Modified Inspection Form To Be More Facility-Friendly
- Migrating Inspections to Tablets
  - Inspection Results Uploadable to Database
  - Tablets Will Double as Office Computers
- Developing Similar Module for HazWaste Program

Division Initiatives – eTDEC

Public Data Viewer Available On-Line

- Enforcement Module Complete for all Programs
- Improving Hazardous Waste Information Infrastructure
  - Populating this Data Viewer
  - Information Incomplete, but Improving (adding Inspections)
- Solid Waste Information Available For:
  - Inspections
  - Complaints
  - Permits Sometimes (populating with new applications)
- Information Also Available for:
  - Asbestos Certification Program
  - Forms

Division Update

2025 Plan Update

- Update Goals and Measure Progress
  - DSWM and Office of Policy and Planning preparing final recommendations to update goals
  - Annual Progress Report – Developing a working group (with TSWDA) to evaluate reporting frequency and requirements
- Increase Diversion of Organics
  - New Composting/Organics website
  - Food Waste Reduction and Recovery
    - Save the Food Campaign launched by AD Council (SaveTheFood.com)
    - *Just Eat It* movie screened at Adventure Science Center with Special Guest TDEC Environmental Scientist Robert Wadley
- Develop Sustainable Funding Sources
  - Working with Office of Policy and Planning to evaluate fees, host stakeholder input meetings, and develop final recommendations in spring 2017

Division Update

Legislative Update

- Bills submitted by Division Passed!
- HB1540 / SB2543 – Recycling Grants and Rebate Restructure
  - Reflects focus on Solid Waste and Materials Management Plan 2015 – 2025 on sustainable materials management
  - Top 5 counties by population (and municipalities within those counties) eligible to receive recycling rebates
  - All other counties / municipalities eligible to apply for recycling equipment grants
- HB1541 / SB2544 – Used Oil Fund Expansion
  - Broadens use of funds to grants for collection of other automotive fluids (antifreeze, transmission fluid, or power steering fluid)
  - No change in fee structure
- Some Bills prepared by others passed that will have a minor impact on Division

Division Update

Legislative Update

- HB0857 / SB1049 – Solid Waste Processing
  - Authorizes surcharge imposed pursuant to Tenn. Code Ann. § 68-211-835(f)(1)(A), to be used for solid waste processing (in addition to collection and disposal) by a county, municipality, or solid waste authority
  - Authorizes Metropolitan Nashville (Davidson Co.) to impose an additional solid waste collection, processing, and disposal fee
- HB2197 / SB2225 – Organic Waste
  - Required to supplement the most recently enacted state plan with study of organic waste
  - Statement of intent in testimony that TDEC already planned to study organic waste and report the results so the state plan will not need to be amended as a result of the act

Division Update

Legislative Update

- HJR0514 – Food Waste
  - Encourages all state agencies and their contractors to donate excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in Tennessee
- HB0764 / SB0689 – Annual Report to General Assembly on Solid Waste Management System
  - Annual report must include progress implementation updates, including projected implementation steps, on each specific component of the state's comprehensive solid waste management plan, as listed in Tenn. Code Ann. § 68-211-603

Where are we with our DSW Rule???

- Staff from the CO and various FOs worked on reviewing EPA's proposed rule
- Staff committed large amount of time in 2015 to laying out how our rule would look and drafting language
- Met with stakeholders to discuss various aspects of the rule throughout 2015
- Currently in OGC being reviewed; anticipate the proposed rule will be to the AG's office by January 2017
- Hopefully, they will be final during 2017

Proposed Hazardous Waste Generator Improvement Rule

The proposed rule is an overhaul of the hazardous waste generator regulatory program.

EPA is:

- Proposing 60+ changes to the regulations –some small, some big
- Proposing ~30 additional technical corrections to the program
- Asked for comments on practically every component of the generator regulatory program

Rule Process & Schedule

- Rule signed on August 31, 2015
- Publication in Federal Register –September 25, 2015
- Public comment period-60 days and 30 additional added – December 24, 2015
- EPA reviewed public comments and commenced work on final rule;
  Presentation by EPA of the final rule on November 8 at 1:30 pm with pre-publication copy of rule when signed and available for release
- Effective date/State adoption & authorization

Proposed Hazardous Waste Generator Improvement Rule

More stringent:

- Documenting hazardous waste determinations
- SQG re-notification
- Identifying risks of wastes being accumulated & labeling
- Notification of closure
- Biennial reporting for whole year
- Executive summary for contingency plans

Less stringent:

- CESQG consolidation
- Episodic generation
- Waiver from 50-foot rule

Proposed Pharmaceutical Rule

Proposed Pharmaceutical Rule

EPA is proposing sector-specific standards for the management of hazardous waste pharmaceuticals for:

Healthcare facilities/pharmacies, and Reverse distributors

- Rule was published in Federal Register –Sept. 25 2015
- Public comment period was 60 days with an additional 30 days or until December 24, 2015 – TDEC provided comments
- EPA reviewed public comments and commenced work on final rule
- Effective date/State adoption & authorization – this rule is more stringent and therefore Tennessee will have to adopt

Division Updates

QUESTIONS?

TDEC Office of General Counsel

Mission

- The Office of General Counsel exists to enhance the quality of life for citizens of Tennessee and to be the stewards of our natural environment by leveraging our **Talent**, **Dedication**, **Engagement**, and **Character** to provide exceptional services as *partners and facilitators to both internal and external clients and stakeholders*.

Vision

- **Talent** – knowledge, experience and intellectual attainment, creativity and skill in negotiation, investigation and problem solving;
- **Dedication** – hard work and persistence;
- **Engagement** – communication and involvement with programs in order to provide better services; and
- **Character** – ethical behavior and a high value placed on serving the public and fairness in interactions

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An Overview of the OGC Team

- 32 people when fully staffed
  - 19 attorneys
    - Includes two legislative liaisons
  - 8 legal support staff
    - (3 paralegals, 5 administrative assistants)
  - 2 criminal investigators (1 West TN, 1 Middle & East TN)
  - 1 enforcement coordinator
  - 1 rulemaking coordinator
  - 1 Natural Resource Damages Program coordinator

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Organizational Chart

- Six Direct Reports
  - Four Managers of Four teams
    - General Law
      - Contracts, rulemaking, legislation, Bureau of Conservation, HR
    - Litigation
      - More complicated and time-consuming cases
    - Enforcement
      - Higher volume of small penalty/fine cases
    - Administration
      - Administrative staff
  - Joe Sanders, Senior Legal Advisor
  - Executive Admin/Office Manager

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Subject Matter Expertise

- Subject Matter Expertise
  - Air Pollution Control
  - Water Resources
  - Solid Waste (includes Hazardous Waste and Toxics)
  - Remediation (includes DOE-Oversight)
  - Underground Storage Tanks
  - Radiological Health
  - Tennessee State Parks (property transactions, hospitality management)
  - Contracts (procurement)
  - Legislation (4 departmental bills filed in 2016)
  - Human Resources (around 2700 employees)
  - Public Records
  - Rulemaking
  - Environmental Crimes
  - And much more . . .

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2013 -2014 Customer Service Areas of Emphasis

- Improve Client Relationships and Knowledge of Divisions
  - Point of Contact List Developed and Distributed
  - Attorneys began attending Division Staff Meetings
  - Win-Win for OGC & Divisions - client & customer satisfaction
- Improve Client Communication
  - Having semi-annual Client Case Reviews with all Divisions
    - Review priorities and adjust
- Improving Communication and Services for General Law Team Clients
  - Developed systems for referring and tracking legal advice requests, especially HR, Parks and Fiscal/Contracts.

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Checking our Progress September 2014 Client Satisfaction Survey

- **Overall Client Satisfaction Rating - 91%**
- OGC's Importance to TDEC's Mission - 90%
- Professionalism – 90%
- Personable, Approachable - 87%
- Responsiveness - 86%
- Response Comments:
  - "Overall my experiences have been positive, but I think OGC has the opportunity to improve even more and be true trusted advisors to all Department staff." – OGC Client, September 2014

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TDEC's Culture of Continuous Improvement

- It is a great time to be part of OGC
  - Support from the top: Commissioner Martineau understands OGC's needs
  - Staff that is Energized and Engaged
    - Embraced the department's culture of continuous improvement
- Four components of Every Individual Performance Plan in OGC
  - GC is a Reviewer on all plans
    - Trusted Advisor to clients
    - Communication within OGC and support of OGC's success
    - Subject Matter Expertise
    - Professionalism

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Efficient and Effective Government

- Technology
  - Case management software
    - » Workflow automation
    - » Document search capabilities
    - » Reporting capabilities
      - Workload balancing among staff
      - Client caseloads
- Succession Planning/Knowledge Transfer
  - Newer staff to develop knowledge of the department, client divisions and applicable law
    - Only four attorneys have been with OGC longer then 4 years
      - Retirements and the voluntary buyout
    - Special emphasis on Remediation and Solid and Hazardous Waste

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Your Feedback is Welcome

Please do not hesitate to contact me:

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TN Department of Environment & Conservation

THANK YOU