



MEMORANDUM

TO: Governor Bill Lee
Governor of the State of Tennessee

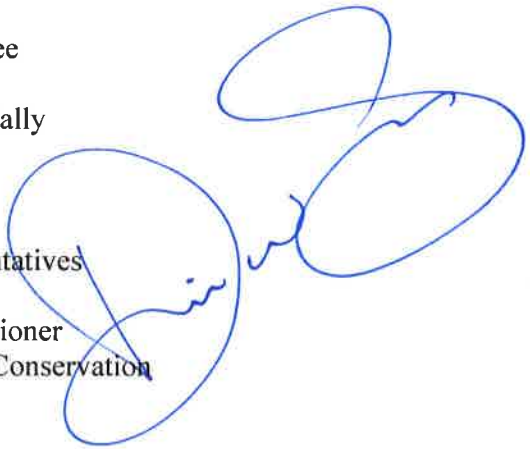
Lieutenant Governor Randy McNally
Speaker of the Senate

Speaker Cameron Sexton
Speaker of the House of Representatives

FROM: David W. Salyers, P.E., Commissioner
Department of Environment and Conservation

DATE: August 6, 2020

RE: Department of Environment and Conservation
Fiscal Year 2019 – 2020 Annual Environmental Permitting Efficiency Report

A handwritten signature in blue ink, appearing to be "David W. Salyers", is written over the "FROM:" field and extends into the "TO:" field.

Tennessee Code Annotated (T.C.A.) 4-3-506 et. seq. requires the commissioner of the Department of Environment and Conservation (TDEC) to submit an annual report to the Governor and the General Assembly each year about environmental permitting. Our FY 19/20 Annual Environmental Permitting Report is attached to this memorandum.

The statute requires the TDEC to report its permitting efficiency for all permit applications submitted to the Department for each fiscal year. There are two reporting categories:

1. Permit Completeness Decisions – Upon receipt of an environmental permit application, TDEC has a specific number of days to determine if the environmental permit application contains the information required to approve or deny a permit request. Tennessee statute and rules direct the number of days TDEC must make a permit completeness decision. The number of days specified to make a permit completeness decision varies based on the complexity of the permit application.
2. Final Permit Decisions – Once TDEC has determined an environmental permit application is complete, TDEC has a specific number of days to review the applicant's permit application request. The number of days for to make a final determination to approve or deny a permit application is specified for each permit type. The time specified by statute and regulation is dependent upon the complexity of the permit application and potential impact to public health and environment if the permitted activity does not meet statutory and regulatory requirements.

The FY 19/20 Annual Environmental Permitting report includes all permit applications that were on hand but not processed on July 1, 2019 and all permit applications submitted between July 1, 2019 thru June 30, 2020 that are subject to this statute and pursuant regulations. For this report, the Department defined “permit” as any permit, license, certification, accreditation, or registration with a specific statutory and/or regulatory time limit (specified time limit) for permit application completeness determinations review and/or final permit decisions. The statute requires the Department to report:

1. The number of permit application completeness reviews made within the established regulatory time limit;
2. The number of permit completeness reviews that exceed the established regulatory time limit;
3. The reasons permit application completeness reviews were not made within the established regulatory time limit;
4. Any actions the Department will take to improve application completeness review process;
5. The number of permit application decisions the Department made within the established regulatory time limit;
6. The reason permit decisions were not made within the established regulatory time limit;
7. The reasons that permit decisions were not made within established regulatory time limit; and
8. Actions the Department will take to improve the permit decision-making process.

The Department shall post this report on its website, <https://www.tn.gov/environment/permit-permits/permitting-efficiency-reports.html>. Please feel free to contact my staff or me if you have any questions.



Tennessee Department of Environment and Conservation
Fiscal Year 2020
Environmental Permitting Report

David W. Salyers, P.E. – Commissioner
August 6, 2020

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Tennessee Department of Environment and Conservation Fiscal Year 2020 Annual 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 education of citizens and the regulated community and conservation of our natural resources, and ensure effective implementation of state and federally delegated environmental programs.

Environmental permitting is an important component of TDEC's mission. Our ability to issue environmental permits effectively and efficiently is critical to:

- Protecting Tennessee's natural resources;
- Preserving our quality of life;
- Making Tennessee an attractive place to work, live and play.
- Protecting our environment and the success of our state's business and industry sectors;
- Making Tennessee the best state in the southeast for high quality jobs.

Tennessee environmental statutes and rules require TDEC make permit completeness decisions and final permit decisions within specific time limits. TDEC defines a permit as any permit, license, registration, certification and/or accreditation application subject to the requirements for permitting in Tennessee Code Annotated (T.C.A.) 4-3-501.

In 2012, the General Assembly amended T.C.A. 4-3-506; requiring TDEC to provide the General Assembly with two environmental permitting reports each fiscal year. The reports provide the number of permit applications TDEC received during each reporting period and the number of permit applications that were processed within regulatory time limits. The Semiannual Legislative Permitting Report provides the data for permit processing for the first six months of the Fiscal Year (June 30th, through December 31st of year 1). The Annual Legislative Permitting report provides the data for permit processing for Fiscal Year (FY) 2020 (July 1st of the first year thru June 30th of the second year, 2020). This is the FY 2020 Annual Legislative Permitting Report, July 1, 2019 thru June 30, 2020.

TDEC received 14,076 permit applications for completeness review in FY 2020. TDEC determined 13,699 permit applications were complete within the Environmental Protection Fund (EPF) regulatory time limits. One hundred and thirty-nine (139) permit applications were not reviewed within the EPF regulatory time limits and 239 permit applications are currently under review but the EPF regulatory review time limit has not expired. TDEC reviewed 13,560 permit applications (99.0%) within regulatory time limits for completeness determinations in FY 2020. From FY 2013 thru FY 2020, TDEC has received an average of 13,711 permit applications each year for completeness review. TDEC made final completeness decisions for 98.2% of the applications within the regulatory time limits.

FY 2020 TDEC Annual Environmental Permitting Efficiency Report

TDEC received 33,915 permit applications for final approval or denial in FY 2020. There were 5,116 permit applications that are under final review but the time limit for a final permit decision has not expired. TDEC had 28,856 permit applications to review and make final permit decisions within the regulatory time limit. TDEC made final permit approval/denial decisions for 28,783 of the permit applications within regulatory time limits (99.6%). TDEC did not make final permit decisions within the regulatory time limit for 113 permit applications.

From FY 2013 thru FY 2020, TDEC received an average of 37,565 permit applications each year for final approval/denial. TDEC made final permit decisions for 98.5% of all permit applications within the regulatory time limits.

Just as important as making permit decisions within specified time limits, TDEC makes final permit decisions based on science and fact. Combining efficiency with science and fact ensures protection of public health and the environment and respects the time value of money and business schedules.

TDEC is committed to meeting the regulatory time limits for permit completeness review and making final permit decisions. Each division reviews its permitting processes regularly to determine if there are more effective business processes for permit review and to develop more user-friendly permit applications. This report compares TDEC's permitting efficiency for:

- the July 1, 2012 through June 30, 2013 (FY 2013)
- the July 1, 2013 through June 30, 2014 (FY 2014)
- the July 1, 2014 through June 30, 2015 (FY 2015)
- the July 1, 2015 through June 30, 2016 (FY 2016)
- the July 1, 2016 through June 30, 2017 (FY 2017)
- the July 1, 2017 through June 30, 2018 (FY 2018)
- the July 1, 2018 through June 30, 2019 (FY 2020)
- the July 1, 2019 through June 30, 2020 (FY 2020)

Comparing permitting efficiency results from previous years, helps TDEC identify areas for permit processing improvement. When permit decision performance expectations are not met, we determine the reasons expectations were not met and evaluate changes that can be made to improve review of permit applications. This includes modifying permitting processes, shifting staff to balance workloads among our Environmental Field Offices and Central Office and implementing changes suggested by staff members. Measuring permitting performance helps emphasize to TDEC staff that each staff member is accountable for their work performance. Measuring permitting performance gives TDEC an appreciation of the efforts the regulated community must make to comply with the environmental statutes and regulations TDEC implements.

We believe this report provides the General Assembly with a comprehensive picture of TDEC's permitting success. We look forward to receiving comments from the General Assembly and all Tennesseans about this report. We appreciate any ideas that will improve the quality of this report and our service to our customers.

INTRODUCTION

The Tennessee General Assembly adopted legislation in 2012 that amended T.C.A. 4-3-506 of the Uniform Administrative Procedures Act. This Act, included as Appendix 1, requires TDEC to report to the General Assembly its success in meeting EPF permitting regulatory requirements for permit completeness decisions and final permit decisions. The reports compare permitting decisions made each year with the time limits for permit decisions set by statute and rule. TDEC is required to submit the Annual Permit Report for the previous fiscal year (July 1 through June 30). There are 13 different rules with specific language requiring TDEC to make permit completeness decisions and final permit decisions within regulatory time limits. Please find below the EPF regulatory citations that TDEC follows 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 thru .13
Hazardous Waste Regulations	Rules 0400-12-01-.01 thru .12
Hazardous Waste Regulations	Rules 0400-12-02 -.01 thru .3
Regulation of X-ray and Radioactive Materials	Rules 0400-20-05 -.01 thru .165
Water Pollution Control	Rules 0400–40 thru 0400-49
Water Supply	Rules 0400-45-01 - .01 thru .41
Underground Injection Control	Rules 0400-45-06 -.01 thru .19
Safe Dams	Rules 0400-45-07 -.01 thru .10
Oil and Gas Production	Rules 0400-51 through 0400-58
Asbestos Accreditation	Rules 1200-1-20-.01 thru .08
Lead Based Paint Abatement	Rules 1200-1-18-.01 thru .06
Air Pollution Control	Rules 1200.03-01 thru 16
Water Pollution Control	Rules 0400–40 thru 0400-49

TDEC provides tables for each Environmental Division with permitting responsibilities in this report. The tables report compliance with TDEC permit completeness decision regulatory time limits and compliance with TDEC final permit approval/denial regulatory time limits with time limits set by rule for each permit type. In addition, TDEC compared permitting data from Fiscal Years 2013 thru FY 2020.

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All permitting tables are listed below and presented at the end of this report:

Table 1. Summary of TDEC – Bureau of Environment Permitting Performance – FY 2020 Permit Completeness Decisions

Table 2. Summary of TDEC – Bureau of Environment Permitting Performance – FY 2020 Permit Final Permit Decisions

Table 3. Summary of TDEC – Bureau of Environment Permitting Performance – Comparison of Fiscal Years 2013 thru 2020 for Compliance with Permit Completeness Review Regulatory Time Limits; and

Table 4. Summary of TDEC – Bureau of Environment Permitting Performance – Comparison of Fiscal Years 2013 thru 2020 for Compliance with Final Permit Decision Regulatory Time Limits

DIVISION OF SOLID WASTE MANAGEMENT

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

Environmental Program	Applicable Environmental Statute and Rule
Solid Waste	The Tennessee Solid Waste Disposal Act, T.C.A. 68-211-101 et.seq and pursuant regulations 0400-11-01 .01 thru .13
Hazardous Waste	The Tennessee Hazardous Waste Management Act, T.C.A. 68-212-101 et. seq. and pursuant regulations 0400-12-01-.01 thru .12 and 0400-12-02 -.01 thru .3
Lead Based Paint	The Tennessee Lead-Based Paint Abatement Certification Act of 1997 (T.C.A. 68-131-401 et. seq.) and pursuant regulations 1200-1-18-.01 thru .06
Asbestos	The Tennessee Asbestos Contractor Accreditation and Regulation Act (T.C.A. 62-41-101 et. seq.) and the pursuant regulations 1200-1-20-.01 thru .08.

The metrics for FY 2020 permit completeness decisions and final permit decisions are in Tables 1 and 2 at the end of this report.

SOLID WASTE PROGRAM

SWM issues permits for processing, storing, and disposal of solid waste in Tennessee. EPA Region 4 has approved Tennessee’s Solid Waste Program. TDEC issues Solid Waste permits for Solid Waste Processing facilities, Convenience Centers, Composting Operations and Demolition, Industrial & Municipal Solid Waste Landfills. SWM also reviews and approves or denies requests to dispose of “special waste” in permitted landfills. The permits and special waste approvals issued by SWM ensure safe disposal of solid wastes. Requiring permit applicants to properly design, construct, and operate

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and close solid waste landfills and processing facilities ensures protection of public health and the environment. Members of the regulated community seeking either a new permit or a permit modification are required to submit permit applications and permit modifications to SWM and receive an approved permit or approval of a permit modification from SWM before beginning construction or expansion activities.

HAZARDOUS WASTE PROGRAM

The Hazardous Waste Management Program issues permits for hazardous waste processing, storage, transport, treatment, and disposal. SWM received delegation of authority from EPA Region 4 and serves as the primary regulatory agency for Tennessee entities that generate, treat, dispose, or store hazardous waste in Tennessee. Hazardous Waste Management permits help ensure that hazardous wastes are safely managed, and that public health and the environment are protected.

Members of the regulated community who pursue either a new Hazardous Waste (HW) permit or modification of an existing HW permit are required to submit an application to SWM. Construction activities a permit modification should not begin construction activities until the applicant has received approval from SWM. As with the Solid Waste Program, SWM has specific time limits to make permit application completeness determinations and to make final permit decisions.

TOXIC SUBSTANCES SECTION

The Lead Based Paint and Asbestos Programs, part of the Toxics Programs Section, 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 professionals and the companies who train Asbestos and Lead Based Paint workers.

Asbestos and Lead Based Paint Training program accreditations ensure the curriculum and training provided by instructors meets the need of the persons attending training. The lessons learned from the Asbestos and Lead Based Paint training helps protect worker health and safety when followed by reducing worker exposure to asbestos and lead. SWM has agreements with EPA Region 4 to implement these programs in lieu of EPA. The purpose of the Lead Based Paint and Asbestos accreditation and certification programs is to ensure that:

1. Employees of companies that remove asbestos and lead based paint from buildings are properly trained and have appropriate personal protective equipment to limit exposure to lead and asbestos;
2. Lead based paint and asbestos debris removed from buildings is properly disposed; and
3. Once asbestos and lead based paint removal work is completed, the building is safe for human occupation.

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SWM received 77 permit applications for completeness review in FY 2020. There are 10 permit applications under final review but the time for a final permit completeness determination has not expired. TDEC made permit completeness decisions for 66 permit application within the regulatory time limit (98.5%) within the Environmental Protection Fund (EPF) regulatory time limits. SWM made one (1) permit completeness decision outside the EPF regulatory time limits.

From FY 2013 thru FY 2020, SWM received, on average, 242 permit applications each year for completeness review. SWM made final completeness decisions for 99.7% of the applications within the regulatory time limits.

SWM received 5,632 permit applications for final approval or denial in FY 2020. There are 4,064 permit applications under final review but the time limit for a final permit decision has not expired. SWM had 1,568 permit applications to review and make final permit decisions within the regulatory time limit. TDEC made final permit approval/denial decisions for all the permit applications within regulatory time limits (1568 of 1568)

From FY 2013 thru FY 2020, SWM received an average of 5,284 permit applications each year for final approval/denial. TDEC made final permit decisions for 99.5% of all permit applications within the regulatory time limits.

In the Toxics Section, permit application completeness decisions and final permit decisions are made concurrently. This is the reason there is such a large difference between the number of permit completeness determinations reported in Table 1 and the number of final permit decisions reported in Table 2 for SWM.

Table 1 reports SWM's success in meeting the time limits for making permit completeness decisions in FY 2020. SWM made permit completeness decisions for 98.5% of the permit applications received in FY 2020 (66 of 67 permit applications) within established regulatory time limits.

Table 2 reports SWM's success in meeting the time limit to make final permit application decisions for FY 2020. SWM made final permit decisions for 100% of the permit applications within established regulatory time limits in FY 2020 (1,556 of 1,556).

Table 3 compares the efficiency of permit application completeness decisions for Fiscal Years 2013 through 2020. During those 8 years, SWM received an average of 242 permit applications for completeness review each fiscal year. An average of 11 permit applications were under evaluation for completeness but the regulatory time limit for making final permit decisions had not passed. During this 8-year period, SWM made permit completeness decisions for 99.7% of all permit applications (1,847 of 1,853) within regulatory time limits.

Table 4 compares the efficiency of final permit decisions for Fiscal Years 2013 through FY 2020. During this 8-year period, SWM received, on average, 5,284 permit applications per Fiscal Year. An average of 1,064 permit applications were under evaluation for approval/denial but the regulatory time limit for making final permit decisions had not passed. During this 8-year period, SWM made final permit decisions for 99.5% (33,594 of 33,763) of all permit applications within regulatory time limits.

DIVISION OF RADIOLOGICAL HEALTH

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

Environmental Program	Applicable Environmental Statute and Rule
X-ray	T.C.A. 68-202-101 thru 68-202-201 et.seq. and Rule 0400-20-05-.29 thru .165
Radioactive Materials	T.C.A. 68-202-301 thru 68-202-601 et.seq and Rule 0400-20-05-.29 thru .165

For the purposes of this report, all metrics for FY 2018 permit completeness decisions and final permit decisions are combined in Tables 1 and 2 at the end of this report.

X-RAY EQUIPMENT and RADIOACTIVE MATERIALS

The Division of Radiological Health (DRH) issues licenses for equipment and devices that contain radioactive materials and to businesses that process low-level radioactive waste. The Nuclear Regulatory Commission (NRC) granted TDEC the authority to issue radioactive materials licenses to facilities in Tennessee. This transfer of authority by the NRC to DRH for Radioactive Materials licensing applies to all facilities in Tennessee except the Department of Energy facility in Oak Ridge, Nuclear Fuel Services in Erwin, and TVA Nuclear Power Plants. TDEC issues radioactive material licenses to a wide variety of facilities/locations; i.e. hospitals, doctor’s offices, dentists, veterinarians, industries, businesses, and building contractors. The licenses and registrations issued by TDEC contain provisions that prevent the citizens of Tennessee from over exposure to ionizing radiation. The licenses and registrations require the recipients to monitor and repair equipment and devices when the devices allow the release of radiation at levels that might affect human health and the environment. Licenses for radioactive material processing ensure that the companies performing this work ship processed waste to facilities designed to accept specific levels of radioactivity.

Hospitals, doctors, dentists, veterinarians, and outpatient treatment centers commonly have X-ray devices. DRH requires registration of equipment and machines that generate X-rays. The regulation of X-ray equipment protects Tennesseans from exposure to radiation that may affect their personal health. Properly maintaining X-ray equipment ensures that the public is not over-exposed to ionizing radiation.

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 DRH for review and approval. TDEC determines if the equipment is operating and the plans for its use meet specific regulatory health and safety

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DRH received 3,972 permit applications for completeness review in FY 2020. TDEC made permit completeness decisions for all 3,972 permit application within the regulatory time limit (100.0%) within the Environmental Protection Fund (EPF) regulatory time limits. From FY 2013 thru FY 2020, DRH received, on average, 4,680 permit applications each year for completeness review. DRH made final completeness decisions for 100.0% of the applications within the regulatory time limits.

DRH received 3,972 permit applications for final approval or denial in FY 2020. TDEC made final permit approval/denial decisions for all the permit applications within regulatory time limits (100%). From FY 2013 thru FY 2020, DRH received an average of 6,039 permit applications each year for final approval/denial. TDEC made final permit decisions for 99.5% of all permit applications within the regulatory time limits.

Table 1 reports DRH's success in meeting the time limits for making permit completeness decisions in FY 2020. DRH made permit completeness decisions for 100.0% of the permit applications received in FY 2020 (3,972 of 3,972) within established regulatory time limits.

Table 2 reports DRH's success in meeting the time limit to make final permit application decisions for FY 2020. DRH made final permit decisions for 100% of the permit applications within established regulatory time limits in FY 2020 (3,972 of 3,972).

Table 3 compares the efficiency of permit application completeness decisions for Fiscal Years 2013 through 2020. During those 8 years, DRH received an average of 4,095 permit applications for completeness review each fiscal year. During this 8-year period, DRH made permit completeness decisions for 99.99% of all permit applications (32,761 of 32,762) within regulatory time limits.

Table 4 compares the efficiency of final permit decisions for Fiscal Years 2013 through FY 2020. During this 8-year period, DRH received, on average, 4,095 permit applications per Fiscal Year. During this 8-year period, DRH made final permit decisions for 99.99% (32761 of 32762) of all permit applications within regulatory 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 atmosphere. Authority for implementation of the APC permitting programs is granted via:

Environmental Program	Applicable Environmental Statute and Rule
Air Pollution Control	The Tennessee Air Quality Act; T.C.A. 68-201- 101 et. seq. and Rule 1200-03-01 through 37

For the purposes of this report, all metrics for FY 2020 permit completeness decisions and final permit decisions are combined in Tables 1 and 2 at the end of this report.

AIR POLLUTION CONTROL PERMITTING PROGRAM

APC is responsible for maintaining and improving air quality across Tennessee. This protects public health and environment. APC issues permits for businesses and industries that generate air emissions. As a part of the Air Pollution Control regulatory program, APC works with businesses, industries, local governments, and local citizens to ensure air emissions meet state and federal air quality standards. APC’s goal is to improve air quality across Tennessee ensuring all Tennesseans breathe high quality air. The U.S. Environmental Protection Agency (EPA) Region IV office delegated authority to TDEC to implement the federal air pollution control regulations in Tennessee.

During the air permitting process, APC reviews permit applications and modifications for completeness. Because clean air is important to Tennesseans, EPA and TDEC have developed air emission standards that limit the contaminants released into the atmosphere. APC is required to review permit applications and modifications to make permit application completeness decisions. Per the TN APC regulations, TDEC is required to make permit completeness determinations within a specific number of days depending upon the permit application/modification type. Once APC determines a permit application is complete, APC is required to approve or deny the permit application/modification within regulatory permit specific regulatory time limits. For some permit applications, APC is required to exchange permit applications/modifications with EPA. Making permit decisions within regulatory time limits helps Tennessee competitively recruit new business and industry to the state and retaining current businesses and industries that are expanding.

APC received 390 permit applications for completeness review in FY 2020. APC has 60 permit applications in house for permit completeness review but the time for making a permit completeness has not ended. APC made permit completeness decisions for all 330 permit applications within the regulatory time limit (100.0%) From FY 2013 thru FY 2020, APC received, on average, 794 permit applications each year for completeness review. APC made final completeness decisions for (100.0%) of the permit applications within the regulatory time limits (5,397 of 5,397).

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APC received 1,911 permit applications for final approval or denial in FY 2020. There are 425 permit applications under final review but the time limit for a final permit decision has not expired. APC made 98.7% of all final permit decisions (1,466 of 1,486) within regulatory time limits. From FY 2013 thru FY 2020, APC received an average of 2,285 permit applications each year for final approval/denial. TDEC made final permit decisions for % of all permit applications within the regulatory time limits.

APC received 1,911 permit applications for final approval or denial in FY 2020. TDEC made final permit approval/denial decisions for all the permit applications within regulatory time limits (100%). From FY 2013 thru FY 2020, APC received an average of 2,485 permit applications each year for final approval/denial. TDEC made final permit decisions for 94.6% of all permit applications within the regulatory time limits.

Table 1 reports APC's success in meeting the time limits for making permit completeness decisions in FY 2020. APC made permit completeness decisions for 100% (330 of 330) of the permit applications received in FY 2020 within established regulatory time limits.

Table 2 reports APC's success in meeting the time limit to make final permit application decisions for FY 2020. APC made final permit decisions for 98.7% of the permit applications within established regulatory time limits in FY 2020 (1,466 of 1,486).

Table 3 compares the efficiency of permit application completeness decisions for Fiscal Years 2013 through 2020. During those 8 years, APC received an average of 675 permit applications for completeness review each fiscal year. During this 8-year period, APC made permit completeness decisions for 99.5% of all permit applications (5,379 of 5,397) within regulatory time limits.

Table 4 compares the efficiency of final permit decisions for Fiscal Years 2013 through FY 2020. During this 8-year period, APC received, on average, 2,184 permit applications per Fiscal Year. During this 8-year period, APC made final permit decisions for 94.6% (12,437 of 13,143) of all permit applications within regulatory time limits.

DIVISION OF WATER RESOURCES

The Division of Water Resources (DWR) issues permits for wastewater 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. DWR is empowered 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:

Environmental Program	Applicable Environmental Statute and Rule
Septic Tanks	Subsurface Sewage Disposal Systems - T.C.A. 68-221-401 et. seq. and Rules 400-48-01- .01 thru .24;
Safe Drinking Water	The TN Safe Drinking Water Act - T.C.A. 68-221-701 et.seq; and TN Rule 0400-45-01 - .01 thru .41;
Water Quality	The TN Water Quality Control Act - T.C.A. 69-3-101 et.seq.; TN Rules 0400-45-06 -.01 thru .19
Safe Dams	The Safe Dams Act of 1973 - T.C.A. 69-11-101 et. seq.; and TN Rules 0400-45-07 -.01 thru .10
Water Wells	Well Drilling - T.C.A. 69-10-101 et. seq. and TN Rules 400-45-09-.01
Oil and Gas	Production of Oil and Gas - T.C.A. 60-1-101 et. seq. and TN Rules 0400-51 through 0400-58.

For the purposes of this report, all metrics for FY 2020 permit completeness decisions and final permit decisions are included in Tables 1 and 2 at the end of this report.

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 to continue to provide clean, safe, and abundant water. Currently, more than 6,000,000 Tennesseans receive their drinking water from public water systems as well as using municipal sewer systems for wastewater disposal. TDEC ensures that Tennessee citizens, visitors, and businesses have:

- Safe and plentiful drinking water;
- Proper collection and treatment of wastewater
- Enjoyable and safe aquatic recreational opportunities;
- The water resources needed to operate business and industry; and
- Diverse fish and aquatic life in Tennessee waters;

Water is a complex natural resource issue. Wise management of our water resources becomes more important every year. Business and industry find Tennessee a great place to operate because of its bountiful supply of water.

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

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 delegated to Tennessee the authority to implement the federal Clean Water Act that regulates the collection and treatment of wastewater discharged directly into streams. DWR implements the clean water program in Tennessee. DWR receives permit applications from businesses, industries, city, county, state and federal governments and other entities who wish to discharge wastewater into rivers and streams. The NPDES permit specifies the amount of wastewater and the quality of wastewater that is directly discharged into a stream. During the permitting process, DWR:

- Assesses the water quality and quantity of the receiving stream;
- Sets limits for the volume of wastewater that can be discharged per day into the stream;
- Sets the level of chemical, biological, and radiological constituents that can be discharged into the stream; and
- Sets the temperature of wastewater discharged into the stream.

This ensures the receiving stream continues to meet all its classified uses: domestic water supply, fish and aquatic life, recreational use, etc.

SAFE DRINKING WATER PROGRAM

DWR is responsible for ensuring that Tennesseans have a safe and plentiful source of drinking water. More than 6,000,000 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, industries and local citizens) with water that is safe to drink, has adequate water pressure and that water from public water systems is available in the amount needed to meet the needs of local citizens and industries.

SUBSURFACE SEWAGE DISPOSAL PROGRAM

There are areas in Tennessee without public wastewater treatment systems (sewer systems). These areas depend on Subsurface Sewage Disposal (SSD) systems, commonly referred to as Septic Tanks and Field lines, for wastewater treatment. DWR implements the SSD regulations. DWR staff members evaluate the soil receiving wastewater, determines the “treatment capacity of the soil, designs the SSD system and performs inspections during SSD system installation to ensure the SSD system is installed properly. The SSD Program ensures proper installation and operation of SSD systems so that treated wastewater does not impact public health or the environment. When SSD systems fail in areas without public sewer service, then realistically, the home or business is no longer habitable. This 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 PROGRAM PERMITTING

DWR permits activities that alter the physical, chemical, and/or biological characteristics of streams and the impact of withdrawing water from streams. Persons who plan to alter a stream are required to submit a permit application and receive approval from DWR for their planned activities via the Aquatic Resources Alteration Program (ARAP) permitting process. Examples of activities that require ARAP permits are changes in stream course, construction in streams (road projects, building projects) and altering a stream's channel. TDEC approves permit applications for the activity only when the permit provisions protect fish and aquatic life and limits the change in stream water quality and quantity.

STATE OPERATING PERMIT PROGRAM

DWR oversees the treatment of wastewater that is disposed by spray irrigation or drip irrigation of treated wastewater onto the ground surface or the dispersal of wastewater 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 to be discharged without affecting public health or environment. A common example of wastewater treatment via a State Operating Permit is the collection of wastewater from subdivisions without public sewer systems. For subdivisions without public sewers, TDEC issues a State Operating Permits that authorizes the installation of a wastewater collection system, transports wastewater to a wastewater treatment system and then uses the treated wastewater to irrigate fields.

NON-POINT SOURCE POLLUTION PREVENTION

In the Non-Point Source Pollution Prevention Program, DWR requires persons to obtain a permit to ensure that when rainfall events occur, proper controls are in place to prevent surface water runoff from entering local streams and causing pollution. Non-point source pollution occurs when there is heavy rainfall in highly developed areas (parking lots, roads, industrial parks, shopping centers, etc.) and surface water runoff moves very quickly and in high volumes directly into neighboring streams. The surface water runoff causes stream siltation that negatively 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 die, causing taste and odor problems in the stream as well as the death of aquatic organisms due to the use of dissolved oxygen in the stream as the algae decomposes. Low dissolved oxygen levels in streams cause fish and aquatic life to often die.

OIL AND GAS PRODUCTION

There are deposits of oil and natural gas below the ground surface in eastern Tennessee. Companies produce oil and gas by installing wells into these hydrocarbon reservoirs. To ensure that wells are installed properly, and that public health and the environment are protected, particularly ground water. Any person installing a well to produce oil and/or gas is required to apply for and receive an Oil and Gas permit from DWR.

SURFACE MINING

DWR does not directly regulate mining activities. However, surface mining often results in surface water runoff that flows directly into streams. When this occurs, the mining operator must obtain a permit from TDEC. The permit requires surface water runoff from mining be controlled and treated to prevent stream damage. If the mine has a direct discharge (open pipe) to a stream, then an NPDES permit is required.

UNDERGROUND INJECTION CONTROL

The Underground Injection Control (UIC) Program ensures (1) that liquids or gases injected into ground water do not cause ground water contamination and (2) that ground water remains usable as a drinking water source. Regulation of underground injection prevents the injection of fluids in a manner that may adversely affect public health or the environment.

SAFE DAMS

Tennessee Dam Safety Act provides DWR with the responsibility to permit dams. Safe Dam permits require an engineer to design the dam and to ensure proper construction of the dam. TDEC inspects dams to ensure they are properly maintained throughout their lifetime. DWR regulates small dams that are not 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 modification of a permit for any of the DWR Water Quality Programs are required to submit permit applications to TDEC for review. TDEC determines if the proposed activity or change in the currently permitted activity protects surface water, ground water, public health, and the environment. The statutes and regulations authorizing water permits set regulatory time limits for permit application review and approval. These regulations require DWR to make permit completeness and final permit decisions within regulatory time limits.

DWR received 9,637 DWR permit applications for completeness review in FY 2020. TDEC determined that 9,192 permit applications were complete within the (EPF) regulatory time limits (98.5%). TDEC did not meet the regulatory time limit for permit completeness review for 138 permit applications. TDEC received 261 DWR permit applications whose time limit for completeness determination had not expired by June 30, 2020. From FY 2013 thru FY 2020, DWR received, on average, 8,580 permit applications each year for completeness review. DWR made final completeness decisions for 97.1% of the permit applications within the regulatory time limits (65,058 of 66,978).

DWR received 22,572 permit applications for final approval or denial in FY 2020. There are 627 permit applications under final review but the time limit for a final permit decision has not expired. DWR made 99.7% of all final permit decisions (21,759 of 21,852) within regulatory time limits. From FY 2013 thru FY 2020, DWR received an average of 26,034 permit applications each year for final approval/denial. DWR made final permit decisions for 98.3% of all permit applications (196,948 of 200,382) within the regulatory time limits.

FY 2020 TDEC Annual Environmental Permitting Efficiency Report

Table 1 reports DWR's success in meeting the time limits for making permit completeness decisions in FY 2020. DWR made permit completeness decisions for 98.6% (9,192 of 9,330) of the permit applications received in FY 2020 within established regulatory time limits.

Table 2 reports DWR's success in meeting the time limit to make final permit application decisions for FY 2020. DWR made final permit decisions for 99.7% the permit applications within established regulatory time limits in FY 2020 (21,852 of 21,945).

Table 3 compares the efficiency of permit application completeness decisions for Fiscal Years 2013 through 2020. During those 8 years, DWR received an average of 8,580 permit applications for completeness review each fiscal year. During this 8-year period, DWR made permit completeness decisions for 97.1% of all permit applications (65,028 of 66,978) within regulatory time limits.

Table 4 compares the efficiency of final permit decisions for Fiscal Years 2013 through FY 2020. During this 8-year period, DWR received, on average, 26,034 permit applications per Fiscal Year. During this 8-year period, DWR made final permit decisions for 98.3% (196,948 of 200,382) of all permit applications within regulatory time limits.

FY 2020 EPF REPORT SUMMARY

TDEC works to meet regulatory time limits for permit completeness and final permit decisions. Making permitting decisions within regulatory time limits is required by statute and regulation, but it is also important to persons applying for permits. TDEC makes permit decisions based on science and fact, but we also recognize the time value of money for those persons seeking a permit or permit modification. When TDEC makes timely permit decisions, it allows businesses and industry to operate more efficiently. TDEC will continue its efforts to make timely permit decisions by reviewing internal business processes for improvement opportunities.

Table 1 provides TDEC's metrics for permit completeness decisions. For the FY 2020 reporting period, TDEC received 14,076 permit applications with 239 permit applications under review but the regulatory review period had not ended. TDEC made permit completeness decisions for 99.0% (13,560 of 13,699) of all permit applications received this fiscal year;

Table 2 provides TDEC's metrics for final permit decisions. For the FY 2020 reporting period, TDEC received 33,915 permit applications with 5,116 permit applications under review but the regulatory review period had not ended. TDEC made final permit decisions for 98.5% of all permit applications (328,686 of 28,799) within regulatory time limit;

Table 3 compares the efficiency of permit application completeness decisions for Fiscal Years 2013 through 2020. During this 8-year period, TDEC received an average of 13,711 permit applications for completeness review per Fiscal Year. An average of 320 permit applications were under permit completeness review but the regulatory time limit for making permit completeness decisions had not passed. During this 8-year period, TDEC made permit completeness decisions for 98.2% of all permit applications (105,015 of 106,990) within regulatory time limits;

FY 2020 TDEC Annual Environmental Permitting Efficiency Report

Table 4 compares the efficiency of final permit decisions for Fiscal Years 2013 through FY 2020. During this 8-year period, TDEC received an average of 37,565 permit applications per Fiscal Year. An average of 2,554 permit applications were under evaluation for approval/denial but the regulatory time limit for making final permit decisions had not passed. During this 8-year period, TDEC made final permit decisions for 98.5% (275,738 of 280,028) of all permit applications within regulatory time limit.

TDEC continues to review its business processes and evaluates methods to distribute workload equally among We are also providing training opportunities for staff. Another avenue TDEC is pursuing to increase the rate that permit decisions are made within regulatory time limits is the evaluation of the requirements for different types of permits. Where state and federal statutes and rules provide flexibility, TDEC is transitioning from individual permit applications to general permit & permit-by-rule applications. We are also investigating moving some activities authorized via a general permit to notification of activity. When this transition occurs, applicants will be required to meet specific reporting and inspection requirements to ensure protection of public health and the environment.

While TDEC has worked to decrease the time required to make permit decisions, we have not lost sight of the need to improve permit quality and our public participation process. The same LEAN analyses that were conducted to improve the timeliness of permit decisions have also led to environmental permits the permittee can more easily read, understand, and implement. We have worked to improve our public participation process, incorporating the assistance of our Regional Directors of External Affairs. The Regional External Affairs Directors developed a standard protocol to alert any interested parties of public meetings and hearings about permit applications. We have also modified the structure of public meetings to ensure maximum attendee participation. We have trained more staff members to help with public meetings, which in turn make more staff members available to conduct public meetings and hearings as well as talk informally with meeting attendees.

The changes in environmental permitting processes made by TDEC help ensure that environmental permit decisions are:

1. Made in a timely manner, respecting the time value of money and construction and operational schedules;
2. Based on science and fact, providing environmental and public health protection;
3. Made following standard procedures to ensure consistency in permit requirements;
4. Made transparently, maximizing the opportunity for public participation; and
5. Made professionally to ensure our staff treats the permit applicant respectfully.

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

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Table 1. FY 2020 Bureau of Environment Permitting Performance - Permit Completeness Decisions						
Compliance with Permit Review Completeness Decision Time Limits						
Permit Completeness Determinations	Permit Applications Received for FY 2020	Applications Under Review – Time Remaining	Applications to be reviewed	Applications Reviewed by EPF Deadline	Applications not Reviewed by Deadline	% Permit Completeness Reviews on Time
APC	390	60	330	330	0	100.0%
DRH	3,972	0	3,972	3,972	0	100.0%
DWR	9,637	169	9,468	9,330	138	98.6%
SWM	77	10	67	66	1	98.5%
Totals	14,076	239	13,837	13,698	139	99.0%

Table 2. FY 2020 Bureau of Environment Permitting Performance - Final Permit Decisions						
Compliance with Final Permit Decision Time Limits						
Final Permit Decisions	Permit Applications Received for FY 2020	Applications Under Review – Time Remaining	Applications to be reviewed	Applications Reviewed by EPF Deadline	Applications not Reviewed by Deadline	% Permit Completeness Reviews on Time
APC	1,911	425	1486	1,466	20	98.7%
DRH	3,972	0	3,972	3,972	0	100%
DWR	22,572	627	21,872	21,759	93	99.6%
SWM	5,632	4,064	1,568	1,568	0	100.0%
Totals	33,915	5,116	28,799	28,686	113	99.6%

Table 3. Comparison of Permit Completeness Data - FY 13 thru FY 19

Compliance with Permit Review Completeness Decision Time Limits

Air Pollution Control

	Applications Received	Applications Under Review - Time Remaining	Applications to be Reviewed	Applications Reviewed by Deadline	Applications not Reviewed by Deadline	% Permit Completeness Review on Time
FY 13	924	63	861	861	0	100.0%
FY 14	1,153	456	697	679	18	97.4%
FY 15	896	111	785	785	0	100.0%
FY 16	1,545	60	1,485	1,485	0	100.0%
FY 17	462	60	402	402	0	100.0%
FY 18	441	0	441	441	0	100.0%
FY 19	538	142	396	396	0	100.0%
FY 20	390	60	330	330	0	100.0%
Total	6,349	952	5,397	5,379	18	99.7%
Avg.	794	119	675	672	3	99.5%

Radiological Health

FY 13	3,376	0	3,376	3,376	0	100.0%
FY 14	3,767	0	3,767	3,767	0	100.0%
FY 15	4,489	0	4,489	4,489	0	100.0%
FY 16	4,672	0	4,672	4,672	0	100.0%
FY 17	4,445	0	4,445	4,444	1	100.0%
FY 18	4,147	0	4,147	4,147	0	100.0%
FY 19	3,894	0	3,894	3,894	0	100.0%
FY 20	3,972	0	3,972	3,972	0	100.0%
Total	32,762	0	32,762	32,761	1	100.0%
Avg.	4,095	0	4,095	4,095	0	100.0%

Solid Waste Management

FY 13	470	5	465	462	3	99.4%
FY 14	500	8	492	490	2	99.6%
FY 15	325	11	314	314	0	100.0%
FY 16	336	3	333	333	0	100.0%
FY 17	74	17	57	57	0	100.0%
FY 18	79	15	64	64	0	100.0%
FY 19	76	15	61	61	0	100.0%
FY 20	77	10	67	66	1	98.5%
Total	1,937	84	1,853	1,847	6	99.7%
Avg.	242	11	232	231	1	99.7%

Table 3. Comparison of Permit Completeness Data - FY 13 thru FY 19 - continued

Compliance with Permit Review Completeness Decision Time Limits						
Water Resources						
FY 13	6,868	41	6,827	6,435	392	94.3%
FY 14	6,353	88	6,265	6,003	262	95.8%
FY 15	12,487	216	12,271	11,788	483	96.1%
FY 16	6,928	16	6,912	6,574	338	95.1%
FY 17	7,003	170	6,833	6,707	126	98.2%
FY 18	9,771	566	9,205	9,095	110	98.8%
FY 19	9,596	261	9,335	9,234	101	98.9%
FY 20	9,637	169	9,330	9,192	138	98.5%
Total	68,643	1,527	66,978	65,028	1,950	97.1%
Avg.	8,580	191	8,372	8,129	244	97.1%
Bureau of Environment						
FY 13	11,638	109	11,529	11,134	395	96.6%
FY 14	11,773	552	11,221	10,939	282	97.5%
FY 15	18,197	338	17,859	17,376	483	97.3%
FY 16	13,481	79	13,402	13,064	338	97.5%
FY 17	11,984	247	11,737	11,610	127	98.9%
FY 18	14,438	581	13,857	13,747	110	99.2%
FY 19	14,104	418	13,686	13,585	101	99.3%
FY 20	14,076	239	13,699	13,560	139	99.0%
Total	109,691	2,563	106,990	105,015	1,975	98.2%
Avg.	13,711	320	13,374	13,127	247	98.2%

Table 4. Comparison of Permit Decision Data - FY 13 thru FY 20

Compliance with Final Permit Decision Time Limits

Air Pollution Control						
	Applications Received	Applications Under Review - Time Remaining	Applications to be Reviewed	Applications Decision Made by Deadline	Applications Decisions not Made by Deadline	% Permit Decisions Made within Review Time
FY 13	1,248	238	1,010	604	406	59.8%
FY 14	1,428	307	1,121	1,001	120	89.3%
FY 15	2,734	708	2,026	1,975	51	97.5%
FY 16	2,257	613	1,644	1,594	50	97.0%
FY 17	1,867	708	1,159	1,120	39	96.6%
FY 18	2,414	698	1,716	1,706	10	99.4%
FY 19	3,533	552	2,981	2,971	10	99.7%
FY 20	1,911	425	1,486	1,466	20	98.7%
Total	17,392	4,249	13,143	12,437	706	94.6%
Avg	2,174	531	1,643	1,555	88	94.6%
Radiological Health						
FY 13	3,376	0	3,376	3,376	0	100.0%
FY 14	3,767	0	3,767	3,767	0	100.0%
FY 15	4,489	0	4,489	4,489	0	100.0%
FY 16	4,672	0	4,672	4,672	0	100.0%
FY 17	4,445	0	4,445	4,444	1	100.0%
FY 18	4,147	0	4,147	4,147	0	100.0%
FY 19	3,894	0	3,894	3,894	0	100.0%
FY 20	3,972	0	3,972	3,972	0	100.0%
Total	32,762	0	28,790	28,789	1	100.0%
Avg	4,095	0	3,599	3,599	0	100.0%
Solid Waste Management						
FY 13	3,961	0	3,961	3,800	161	95.9%
FY 14	5,445	14	5,431	5,425	6	99.9%
FY 15	5,209	9	5,200	5,199	1	100.0%
FY 16	5,311	63	5,248	5,248	0	100.0%
FY 17	5,374	314	5,060	5,060	0	100.0%
FY 18	5,816	77	5,739	5,739	0	100.0%
FY 19	5,524	3,967	1,556	1,555	1	99.9%
FY 20	5,632	4,064	1,568	1,568	0	100.0%
Total	42,272	8,508	33,763	33,594	169	99.5%
Avg	5,284	1,064	4,220	4,199	21	99.5%

Table 4. Comparison of Permit Decision Data - FY 13 thru FY 20 - continued

Compliance with Final Permit Decision Time Limits

Water Resources

	Applications Received	Applications Under Review - Time Remaining	Applications to be Reviewed	Applications Decision Made by Deadline	Applications Decisions not Made by Deadline	% Permit Decisions Made within Review Time
FY 13	14,081	388	13,693	12,409	1,284	90.6%
FY 14	30,445	98	30,347	30,292	55	99.8%
FY 15	30,114	748	29,366	29,118	248	99.2%
FY 16	30,427	3	30,424	29,014	1,410	95.4%
FY 17	18,456	184	18,272	18,178	94	99.5%
FY 18	23,712	758	22,954	22,820	134	99.4%
FY 19	38,462	4,872	33,474	33,358	116	99.7%
FY 20	22,572	627	21,852	21,759	93	99.6%
Total	208,269	7,678	200,382	196,948	3,434	98.3%
Avg	26,034	960	25,048	24,619	429	98.3%

Bureau of Environment

FY 13	22,666	626	22,040	20,189	1,851	91.6%
FY 14	41,085	419	40,666	40,485	181	99.6%
FY 15	42,546	1,465	41,081	40,781	300	99.3%
FY 16	42,667	679	41,988	40,528	1,460	96.5%
FY 17	30,142	1,206	28,936	28,802	134	99.5%
FY 18	36,089	1,533	34,556	34,412	144	99.6%
FY 19	51,413	9,391	41,905	41,778	127	99.7%
FY 20	33,915	5,116	28,799	28,686	113	99.6%
Total	300,523	20,435	279,971	275,661	4,310	98.5%
Avg	37,565	2,554	34,996	34,458	539	98.5%

Appendix 1

Title 4 State Government
Chapter 3 Creation, Organization, and Powers of Administrative Departments and Divisions
Part 5 Department of Environment and Conservation

Tenn. Code Ann. § 4-3-506 (2012)

4-3-506. Making completeness determinations and issuing or denying permits within time frames periods specified in department's rules and regulations.

- (a) It is the intent of the general assembly that the department of environment and conservation seek to accomplish making a completeness determination and issuing or denying any permit within the time frames specified by the department's rules and regulations.
- (b)(1) The commissioner shall prepare semiannual permitting efficiency reports that include statistics on whether the department has timely acted on permit applications pursuant to the appropriate rule. The reports are due February 1 and August 1 of each year beginning in 2013.
 - (2) For permit applications that have not met the time frame required by rule, the report must state the reasons for not meeting the time frame. In stating the reasons for not meeting the time frame, the commissioner shall separately identify delays caused by the responsiveness of the applicant, lack of staff, scientific or technical disagreements, or the level of public engagement.
 - (3) The report shall specify the number of days from initial submission of the application to the day of determination that the application is complete. The report due August 1 of each year must aggregate the data for the year and assess whether the program or system changes are necessary to achieve the time frame as specified by rule.
 - (4) The report shall be posted on the department's web site and electronically submitted to the governor and members of the general assembly.

HISTORY: Acts 2012, ch. 980, § 1