



TDEC – P – 01– Developing Policy Documents – 120125

DISCLAIMER: This document is policy only, does not create legal rights or obligations and does not constitute legal advice. Department decisions in any case will be made by applying applicable statutes and rules to the specific facts.

EFFECTIVE DATE: DECEMBER 1, 2025

SIGNATURES:

A handwritten signature in blue ink that reads "D. Salyers".

David W. Salyers, P.E.
Commissioner

A handwritten signature in blue ink that reads "Stephanie Durman".

Stephanie A. Durman
Deputy General Counsel, Reviewer

A handwritten signature in blue ink that reads "Peter Murrey".

Peter Murrey (Nov 20, 2025 10:01:03 CST)

J. Peter Murrey
Office of Policy and Planning Director, Reviewer

A handwritten signature in blue ink that reads "Joy Patton".

Joy Patton (Nov 20, 2025 09:58:53 CST)

Joy Patton
Senior Policy Analyst, Drafter / Preparer

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Developing Policy Documents

I. Introduction

This document establishes the policy of the Department of Environment and Conservation (Department or TDEC) to be utilized by all bureaus and divisions for the development, revision, review, and rescission of significant policies. This document supersedes BOE - P - 01- Developing Policy - 112717, which is hereby rescinded.

II. Purpose

The purpose of this policy is to guide Department staff in the development of significant policies. In addition, this policy is intended to facilitate the Department's compliance with statutory reporting requirements for new or amended policies.

III. Definitions

Tennessee Code Annotated section 4-5-102(10) defines policy as follows:

"Policy" means any statement, document, or guideline prepared or issued by any agency pursuant to its delegated authority that merely defines or explains the meaning of a statute or a rule. "Policy" also means any statement, document, or guideline concerning only internal management of State government that does not affect private rights, privileges, or procedures available to the public. "Internal management" means the administration of an agency's internal operations for the purposes of facilitating operational effectiveness and efficiency.

In accordance with the statutory definition of policy, the Department utilizes both external and internal policy documents.

- "External policy" means a non-binding agency statement that explains the Department's interpretation of statutory or regulatory requirements to facilitate external parties' compliance with a statute or rule. External policies include, but are not limited to, compliance guides, regulatory interpretive memoranda, and conservation fee policies.
- "Internal policy" means a set of decisions, procedures, and practices pertaining to the internal operation or actions of the Department.
- "Significant internal policy" includes internal policies that define the distribution of authority among divisions, explain the Department's legal authority or obligations under existing statutes or regulations, may affect external customers (e.g., enforcement policies), or otherwise represent a significant policy statement as determined by the issuing division or bureau.
- "Nonsignificant internal policy" includes internal policies documenting day-to-day or routine operations of the Department such as internal SOPs, good practice guidelines, checklists, and internal policies that do not rise to the level of a significant internal policy as determined by the issuing division or bureau.

Policy is not a substitute for rulemaking or statutory changes. No policy document can establish mandatory requirements for third parties.

IV. Applicability

This policy establishes Department-wide standards for the creation, revision, tracking, and publication of external policies and significant internal policies. Although this policy does not establish standards for nonsignificant internal

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policies, all final policies must be promptly reported to TDEC.Policyreport@tn.gov in accordance with Part XII. for tracking purposes.

V. Structure

Each division should designate a person (or persons) to maintain policy documents. Each bureau should designate a person (or persons) to maintain policy documents that do not belong to a single division.

VI. Determining the Need for Policy

The following situations may indicate the need to develop, revise, or rescind a policy:

- Explaining the Department's interpretation and application of a statute or rule;
- Documenting a process to support the training of new Department staff;
- Establishing consistency and clarity for Department staff;
- Addressing which division has primary authority and identifying roles and responsibilities (in the case of memoranda of understanding or agreement);
- Ensuring knowledge management and capture;
- Providing guidance on permitting, compliance, or enforcement procedures to promote transparency for staff, the regulated community, and the public at large;
- Introducing new technology;
- New or changed statutes, rules, contact information, or key facts; and
- Other relevant factors as determined by divisions or bureaus.

VII. Policy Format

All external policies and significant internal policies developed or revised after the effective date of this policy should adhere to the instructions provided in Appendix A -TDEC Policy Instructions. This policy does not establish a template for nonsignificant internal policies due to their variety of content and formatting.

VIII. Development of Policy

In developing external and significant internal policy:

- The idea for a proposed policy, revision, or rescission should be raised to the division director and the division policy coordinator.
- The division director will determine whether development of the proposed policy is necessary.
- Policy documents that impact permitting, compliance determinations, enforcement, or conservation fees/discounts must be reviewed by the Office of General Counsel (OGC). OGC will also review other policy documents if requested by divisions or bureaus.

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- Division leadership will develop a communications plan detailing how appropriate staff are made aware of, and trained on, new external or significant internal policies. The communications plan should include details on how impacted external stakeholders or internal staff will be made aware of or trained, as appropriately, on the new policy. If the division or bureau determines stakeholder engagement is appropriate, the communications plan will provide details on how the engagement will be implemented.
- Any newly developed external or significant internal policy document should adhere to the review and approval processes outlined in Appendix B - TDEC Policy Review and Approval Process.

IX. Stakeholder Engagement

Divisions or bureaus should determine whether external stakeholder engagement is appropriate for a particular external policy or significant internal policy. Not all external or significant internal policy documents warrant stakeholder engagement. External stakeholder engagement is not necessary prior to issuance or revision of nonsignificant internal policy documents. The division or bureau should consult with the Office of External Affairs (OEA), the Office of Policy and Planning (OPP), or OGC as necessary. The following factors should be considered in the development or revision of a specific technical policy to determine the appropriate level of stakeholder engagement:

- Impact on the regulated community;
- Impact on the environment, public health, or natural resources;
- Level of public interest;
- Specific audience or general audience;
- Degree of change from the status quo; and
- Other need for external input.

The following options should be considered for stakeholder engagement once the appropriate level has been determined:

- Posting the opportunity for public comments on the internet (minimum);
- Notifying stakeholders that a draft policy is posted for comment;
- Conducting webinars or conference calls;
- Convening stakeholder meetings; or
- Holding focus group discussions.

Divisions and bureaus may choose to notify a board regarding the Department's adoption of external policies or significant internal policies within that board's jurisdiction and may choose to seek board feedback prior to policy adoption. Boards should not be asked to vote on the adoption of Department policies but may separately adopt their own policies.

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X. Posting of Policy Documents

All final external and significant internal policy documents will be posted on TDEC’s public policy webpage. If a policy document is not on this webpage, it may not be a final policy of the Department.

Any draft external and significant internal policy documents that are posted for public review and comment will be posted to the webpage designated for draft policy documents. Draft policy documents will be removed from the webpage once a policy document has been signed and posted on the TDEC policy landing webpage. OPP will maintain this webpage in coordination with division and bureau policy points of contact identified under Section V of this Policy.

XI. Policy Document Updates

External and significant internal policy documents shall be reviewed and updated as follows:

- Policy documents should be regularly reviewed to determine if updates are necessary. Policy document reviews should occur at least once every five years, or more often than needed.
- Each division or bureau should determine the prioritization of the review of existing policy documents. This prioritization should consider the impact of the policy on external customers or changes in rules, statute, supporting facts, contact information, etc. that may necessitate review. The steps outlined in the development of a policy document should be followed when revising a document including adherence to Appendix B - TDEC Policy Review and Approval Process.

XII. Policy Reporting

Tennessee Code Annotated section 4-5-230 requires the Department to submit a list of all policies that have been adopted in the past year to the General Assembly by July 1 of each year. The information submitted must include “a summary of the policy and the agency’s justification for adopting a policy on the subject instead of promulgating a rule.” *Id.* The Department’s legislative team manages this reporting process. To support the Department’s compliance with this statutory requirement, divisions or bureaus that adopt or amend a policy must promptly send a copy of the final policy document, along with a brief summary, justification, and effective date, to TDEC.Policyreport@tn.gov. Department board contacts should submit any separate policies adopted by boards affiliated with the Department.

XIII. Revision History Table

Revision Number	Date	Brief Summary of Change
0	12/01/25	Establishment of department-wide policy on policy development.

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Appendix A – TDEC Policy Instructions

1) Header of Policy Document

Use TDEC logo in header 

2) Use a control number for naming the document:

- Department, Bureau, or Division – P - Policy number – Brief Description – Date
- For example, “SWM- HW- P-01-Haz Waste Disposal – 031417” (For Policy #1 on hazardous waste disposal in the Hazardous Waste program under the Solid Waste Management Division, dated March 14, 2017). The date in the control number should be updated upon revision of the policy document.
- Draft policy documents should include “DRAFT” in the name of the document and the “DRAFT” watermark on all pages.

Include document title and control number in header to be repeated on each page of the policy or guidance document.

3) Incorporate an appropriate disclaimer

DISCLAIMER: This document is policy only, does not create legal rights or obligations, and does not constitute legal advice. Department decisions in any case will be made by applying applicable statutes and rules to the specific facts. Mention of trade names or commercial products does not constitute an endorsement or recommendation for use.¹

4) Effective Date:

Date of signing or some future date

5) Signatures:

Designated Approving Official (Division Director, Deputy Commissioner, or Commissioner (required))

OGC Reviewer (optional – see note below)

Reviewer (optional)

¹ The last sentence of this disclaimer, regarding trade names or commercial products, should only be used if applicable.

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Drafter / Preparer (required)

Note: Policy documents that impact permitting, compliance determinations, or enforcement must be reviewed by the Office of General Counsel. Please refer to the matter of the OGC for assignment. The OGC attorney will indicate approval of the document by signing as the OGC Reviewer.

- Open Sans typeface (at a minimum of 10 point), justified, with single line spacing should be used unless otherwise approved by the Division Director. Any variation from this format shall comply with applicable ADA accessibility requirements.
- The body of guidance or policy document should follow the signatures.
- If existing policy documents are reviewed and approved with no changes, the header elements and revision history table can be incorporated in a cover page to the existing policy document.

6) At the End of the Policy or Guidance Document

Include Revision History Table

Revision Number	Date	Brief Summary of Change

- Use "0" as the revision number for the initial issuance of the policy document.
- Include page numbers at the bottom of each page of the policy document.

Appendix B - TDEC Policy Review and Approval Process

