Significance of Collaborative Water Resources and Solid Waste Permits

Environmental Show of the South
Presentation Outline/Agenda

To be prepared by Rob
Division of Solid Waste Management

*Division of Water Resources

*DWR formerly known as DWPC
Benefits and Challenges with Collaboration

- Rob to present a pros & cons discussion
- Term of the permits vs term of TDEC staff, resources, organization....loss of institutional knowledge over life of landfill facilities.
- Structural differences between DWR and DWR staff as far as inspections, permitting, work loads/priorities, etc.
- Nuances within each...DWR 5 year permits inspected 1x/yr with goal for 2x/yr for some EFO’s depending on staff resources.
- DWR permits (except CGP) issued at NCO based on prior and site unseen at times for existing permitted facilities.
- Residual nuances from DWR reorganization c. 2012.
- Burden of permitting still lies with O/O
Memorandum of Agreement (MOA)

- Review of Proposed Landfill Sites, PN083 (June 1993)
- Water Quality Permits at Landfills, PN084 (April 2008)
PN083 Since June 1993

DSWM HAS AUTHORITY OF SOLID WASTE FACILITIES

Memorandum of Agreement

This memorandum of agreement (MOA) is entered into by the Division of Water Pollution Control (DWPC) of the Department of Environment and Conservation (DEMC) and the Division of Solid Waste Management (DSWM) of the Department of Environment and Conservation (DEMC). The primary objective of such regulation is that the construction, operation, and maintenance of such facilities be carried out in a manner that will enable, facilitate, and support the proper handling, management, and disposal of solid waste. This MOA is intended to ensure the seamless operation of the two divisions, fostering teamwork and communication between the two Divisions.

WORK TOGETHER NICELY TO NOT POLLUTE WATERS OF THE STATE 😊

LANDFILL SITING
Rob to insert Site Info
For two facilities (Bull Run and Cumberland)
That exemplify significance of collaboration
Memorandum of Agreement

- Review of Proposed Landfill Sites, PN083 (June 1993)

- Water Quality Permits at Landfills, PN084 (April 2008)
DSWM HAS AUTHORITY OF SOLID WASTE FACILITIES

Memorandum of Agreement

This memorandum of agreement (MOA) is entered into by the Division of Water Pollution mutuality having authority over the regulation of solid waste facilities, and that a primary objective of such regulation is that the construction, operation and management of such facilities be done in a manner as to avoid the pollution of waters of the State. In order to achieve this objective certain activities of DSWM shall be coordinated with DWPC, in a manner which fosters teamwork and communication between the two Divisions.
CGP at all facilities with disturbance >1 acre outside landfill facility boundary which do not drain to a pond designed for a 25 year, 24 hr storm event.

PN084 Since April 2008

STORM WATER - CONSTRUCTION ACTIVITIES

The DSWM will review the design and operating plans of all solid waste landfills to ensure that best management practices (BMP) for silt control are utilized during construction and operation. The BMPs are reviewed in detail and are consistent with the “Erosion and Sediment Control Handbook” distributed by the EPA. The BMPs within the landfill facility boundary, which drain into storm water ponds designed to handle the 25-year, 24-hour rainfall event, as required by the DSWM rules, are not required to obtain NPDES permit coverage for those storm water discharges.

Typically, NPDES coverage for storm water discharge(s) from any disturbed areas greater than one acre is obtained by filing a Notice of Intent (NOI). Storm Water Pollution Prevention Plans (SWPPP) and an appropriate permit with the DWRC. The DWRC issues coverage under the construction general permit (CGP). Landfill operators must obtain CGP coverage with the DWRC for any disturbed areas greater than one acre within the landfill facility boundary which do not drain into the above ponds. Examples of areas requiring SWPPP coverage but not covered greater than one acre, or construction of an equipment maintenance facility which disturbs an area greater than one acre. Compliance monitoring of such areas will be as described in this ICA.
TMSP SECTOR L FOR ALL CLASS I & II FACILITIES WITH OUTFALL MONITORING TYPICALLY AT A POND DISCHARGE LOCATION
STORM WATER—INDUSTRIAL ACTIVITIES

Landfills must comply with the Tennessee Multi-Sector Permit for Industrial Activities (TNR050000), Sector L. Landfills which receive industrial wastes, including all Class I and Class II sites, must obtain coverage under this permit from the DWPC. This permit regulates the storm water discharge from waste storage areas and typically applies at the outfall pipe from the storm water retention pond(s). For new landfills, a NOI must be submitted to the DWPC office in Nashville five (5) days prior to the commencement of waste placement. Existing landfills should already have this permit in place. Compliance monitoring of landfills with Sector L permits will be as described in this MOA.
2011/2012 DSWM Class I Lateral Expansion Application
- Stream Determination Required
2012 DWR Reorganization
2013 Applicant’s Determination Denied
2013 DSWM Issues Conditional Expansion Permit
3. No construction or earth moving activities are to take place in areas 5 and 6 of the footprint until such time as the permittee has addressed the stream-related issues to the satisfaction of the Division of Water Pollution Control.
- **2014 O/O Appeals DWR Determination**
- **2014 OGC finds grounds for O/O appeal and TDEC looses authority because of missing a statutory deadline. Recommends mitigation still to DWR satisfaction.**
- **2015 USACOE Determination**
Based upon the December 4, 2014 site visit by Ken Jones and John Price, the following features were found to meet all the required characteristics to be considered waters of the U.S.

<table>
<thead>
<tr>
<th>Water</th>
<th>Size</th>
<th>Cowardin</th>
<th>HGM</th>
<th>Local Waterway</th>
<th>Latitude</th>
<th>Longitude</th>
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<tbody>
<tr>
<td>S-1Eph (NRPW)</td>
<td>740 ft</td>
<td>R6</td>
<td>RIVERINE</td>
<td>Nolichucky R</td>
<td>36.15149</td>
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<tr>
<td>S-1 Int (RPW)</td>
<td>900 ft</td>
<td>R4</td>
<td>RIVERINE</td>
<td>Nolichucky R</td>
<td>36.14985</td>
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<tr>
<td>WL-1 (RPWWD)</td>
<td>0.25 ac</td>
<td>PEM</td>
<td>Depression</td>
<td>Nolichucky R</td>
<td>36.14989</td>
<td>-83.18921</td>
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</tbody>
</table>
- 2015 DWR TMSP, Sector L Permit Issued for two Outfalls
- 2016 USACOE NWP for 298’ fill of ephemeral stream
- 2016 DSWM Issues Permit Condition Satisfied Letter
- 2015 DWR TMSP, Sector L Permit Issued for two outfalls
- 2017 DWR TMSP, Sector L exceedances for two outfalls
- 2019 O/O Submits for OOSWM Permit Modification which may affect DWR Permit
Columbia EFO Case Study

- Inactive DSWM Class II facility major modification closure plan
- DWR issues TMSP site unseen, based on Individual
- O/O provides same Outfall 001 for both industrial site Individual NPDES and landfill TMSP, but landfill is >1 mile away
- Change of ownership, split landfills and industrial sites
- O/O requests waiver of Sector L
- Who’s confused yet?
Columbia EFO Site

- Full Engineering Plan Set for Class III
- DSWM requested stream determination
- Entire site redesign with loss of footprint
- 24 month process to date
- County O/O under pressure and squeezes TDEC
More Collaboration

- Workgroup – DSWM staff & DWR staff
- At least ONE SWPP sheet in DSWM Plan Set
- Joint inspections and site visits
**ENVIRONMENTL PERMITS (9.0)**

LIST ALL ENVIRONMENTAL PERMITS AND EXPIRATION DATES FOR PROJECT

<table>
<thead>
<tr>
<th>PERMIT</th>
<th>YES OR NO</th>
<th>PERMIT OR TRACKING NO.</th>
<th>EXPIRATION DATE*</th>
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<tbody>
<tr>
<td>TDEC ARAP</td>
<td>YES</td>
<td>PENDING</td>
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<tr>
<td>CORPS OF ENGINEERS (COE)</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TVA 26A</td>
<td>NO</td>
<td></td>
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</tr>
<tr>
<td>TDEC CGP</td>
<td>YES</td>
<td>PENDING</td>
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<tr>
<td>OTHER:</td>
<td>N/A</td>
<td></td>
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</table>
Organizational Challenges
- DSWM Permits for life of facility.
- DWR permits short term with or without renewal because features change over time.
- Collaboration takes TIME! Plan ahead for complicated sites.
- Burden of environmental permitting still on O/O.
Additional Content Ideas

- Exception to MOA
- WasteBin/WaterLog facilities with DWR permits (CGP, TMSP, Individual, ARAP) summary of # of facilities