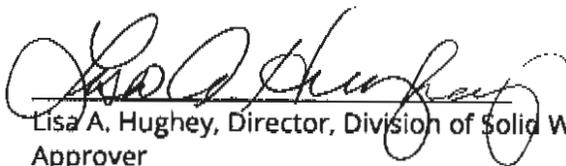


SWM-HWP-P-001- Hazardous Waste Renewal Permit Applications - 012921  
Standard Operating Procedure (SOP) for Processing Operational Hazardous Waste Renewal Permit Applications

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE: 012921**

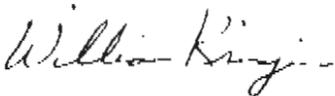
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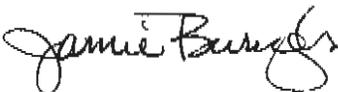
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## **SECTION 1: INTRODUCTION**

This Standard Operating Procedure (SOP) provides the hazardous waste Renewal Permit Application (RPA) processing and evaluation procedures for Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), employees to assist in the processing, reviewing, documenting, and final determination of the Renewal Permit Application for an Operational Facility (Parts A and B). **THIS DOCUMENT IS NOT REGULATION. DO NOT CITE THIS DOCUMENT AS A JUSTIFICATION FOR DENIALS OR REQUESTS FOR ADDITIONAL INFORMATION.** Statutory and regulatory authorities are provided in Section 2. This SOP is only intended to describe routine conditions normally encountered with hazardous waste permitting. Additional processes and/or irregular conditions that could be involved will be considered independently of this SOP. In such cases, the staff will consult with their supervisor and/or section manager and, as necessary, upper management.

## **SECTION 2: STATUTORY AND REGULATORY AUTHORITY**

### **Tennessee Statutory Authority**

T.C.A. § 68-212-101 et seq.

### **Tennessee Regulatory Authority**

Rule 0400-12-01-.07(1)(m)	[Pre-Application Meeting and Notice]
Rule 0400-12-01-.07(2)	[Application for a Permit]
Rule 0400-12-01-.07(4)	[Contents of Part A]
Rule 0400-12-01-.07(5)	[Contents of Permit]
Rule 0400-12-01-.07(6)	[Permit Denial]
Rule 0400-12-01-.07(7)	[Processing of the Permit Application]
Rule 0400-12-01-.07(8)	[Terms of the Permit]

## **SECTION 3: ACRONYMS**

CAR – Corrective action permit application reviewer assigned by the Section Manager of Hazardous Waste Permitting and Corrective Action

CO – Central Office

DDCO – Deputy Director of the Central Office

FO – Field Office

NOD – Notice of Deficiency

PM – Hazardous Waste Program Manager

PPO – Public Participation Officer

PR – Peer Reviewer of an application assigned by the SM

PW – Permit Writer assigned the permit application

RPA – Renewal Permit Application

SM – Section Manager of Hazardous Waste Permitting and Corrective Action

#### **SECTION 4: TEMPLATES**

The HW Permitting Toolbox on the H: drive contains templates for letters, NOD structure, and public notices to be utilized for all documents.

#### **SECTION 5: PRE-SUBMITTAL MEETING AND NOTICE TO SUBMIT RPA**

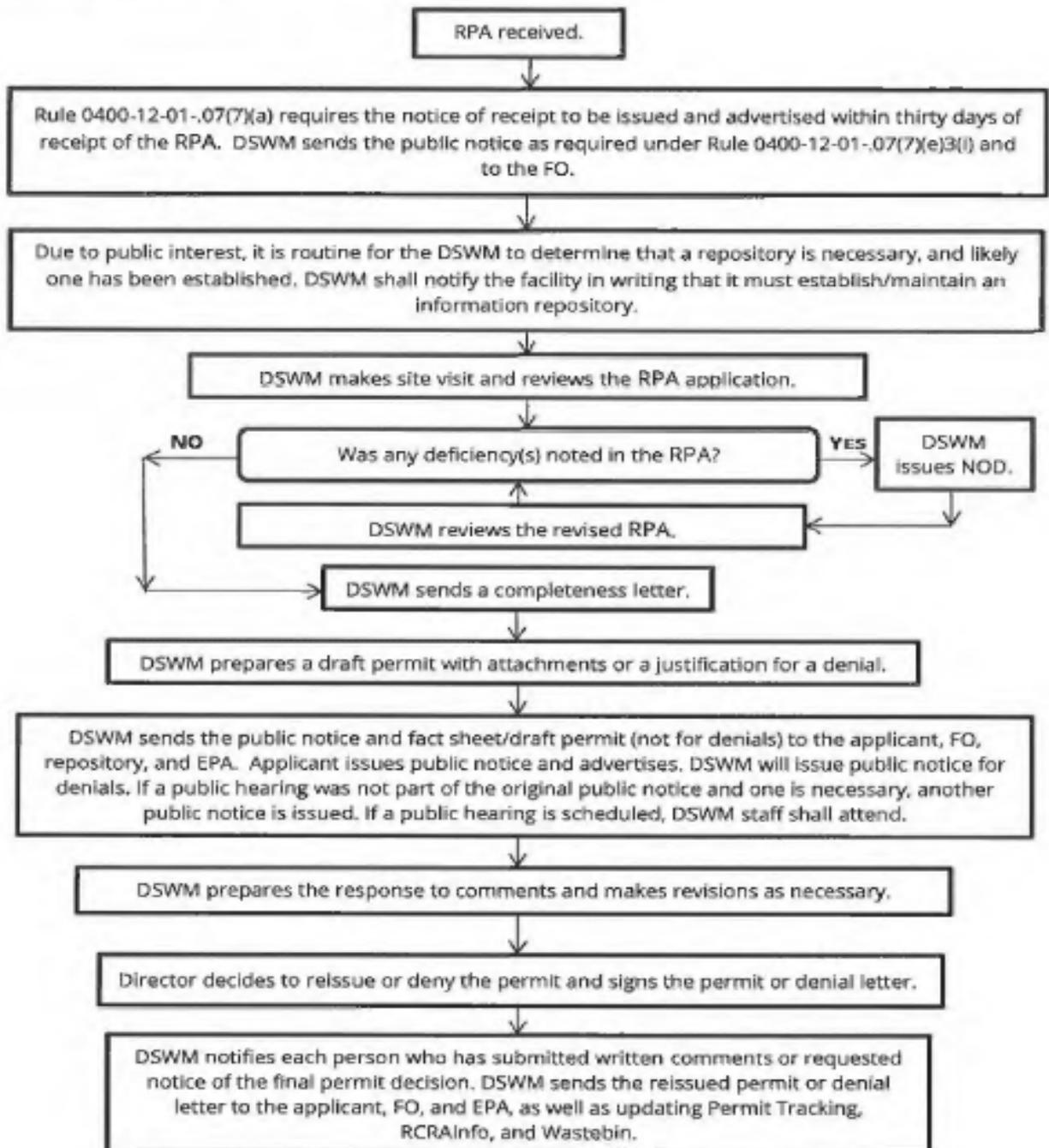
At least one year before the RPA is due, the PW shall send a reminder letter to the Permittee and state that the DSWM would like to meet to discuss the RPA. The PW shall coordinate with the SM, Permittee, and CAR (if applicable) to set a meeting time to discuss the regulatory requirements, permitting process, and other issues that will facilitate the submittal of an adequate RPA and the application processing.

#### **SECTION 6: PRE-APPLICATION MEETING AND NOTICE**

In accordance with Rule 0400-12-01-.07(1)(m), the applicant is required to publish a public notice and hold a pre-application public meeting regarding the planned permit renewal prior to submittal of the RPA. The applicant shall submit documentation of the public notice, a summary of the meeting, the list of attendees including their addresses, and copies of any written comments or materials submitted at the meeting as a part of the RPA, in accordance with Rule 0400-12-01-.07(1)(m)3.

## SECTION 7: FLOWCHART

The flowchart provides only a summary of the steps for processing an RPA. Details are provided in the steps in Section 8.



## **SECTION 8: STEPS FOR PROCESSING RPA**

The following apply to all reviews of an initial or revised RPA:

1. An **in-depth, thorough regulatory and technical review** of an RPA includes, but is not limited to:
  - a. A thorough review and evaluation of the RPA Part A to determine if each regulatory requirement of Rule 0400-12-01-.07(4) is completely and adequately addressed in the Part A to confirm compliance with Rule 0400-12-01-.07(4). Complete every checklist applicable to the Part A.
  - b. A thorough review and evaluation of the RPA Part B includes, but is not limited to:
    - i. Determining whether every applicable regulatory requirement is completely and adequately addressed to confirm, if permitted, the facility would be in compliance with Rule 0400-12-01-.07(5) and Rule 0400-12-01-.06 as applicable. Reviewers should utilize available guidance and other technical documents to assist in making this determination;
    - ii. Independently verifying all calculations that are included in the Part B to demonstrate compliance with the requirements and standards in Rule 0400-12-01-.07(5) and Rule 0400-12-01-.06, as applicable. Reviewers should utilize available guidance and other technical documents to assist in making this determination; and
    - iii. Completing every checklist applicable to the Part B.
2. A PW, CAR, or PR may request approval for additional time to complete a task as assigned in this section. The request with justification shall be emailed to the SM. The SM may grant additional time up to half the time frame established in this document. Time greater than half of the original time frame established in this document can only be granted by the PM. All time limits in Rule 0400-12-01-.08 must be complied with.

### **STEP 1 - INFORMATIONAL REPOSITORY**

When assessing the need for an information repository, the following shall be considered: the level of public interest, the type of facility, the presence of an existing repository, and the proximity to the nearest copy of the administrative record. Due to public interest in hazardous waste permits, it is routine for the DSWM to determine that a repository maintained by the applicant is necessary, and it is likely one has been established. The PM determines if a repository is necessary prior to the submittal of the RPA.

1. If the PM determines that a repository maintained by the applicant is necessary or has already been established:

- a. Within seven calendar days of the receipt of an RPA, the PW shall notify the facility in writing that it must establish and maintain an information repository in accordance with Rule 0400-12-01-.07(7)(e)4(v)(III) through (VI). The PW, with approval of the SM, shall specify requirements for informing the public about the information repository. (Note: At a minimum, the Commissioner shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.)
  - b. Within seven calendar days of the notification's issuance, the PW shall update Permit Tracking, RCRAInfo, and Wastebin, and provide a copy to the CO file, EPA, and the appropriate FO.
2. If the PM determines that a repository is not necessary to be maintained by the applicant, then the PW will have to ensure that all permitting documents (application, NODs, revisions, public notices, etc.) are maintained at a location accessible to the public in the vicinity of the facility, in addition to the CO and FO.

## **STEP 2 - PRELIMINARY NOTICE FOR THE RECEIPT OF RPA**

Within seven calendar days of the receipt of an RPA, the PW shall:

1. Update Permit Tracking, RCRAInfo, and Wastebin and provide a copy to the CO file, EPA, and the appropriate FO.
2. Provide the SM and PPO a draft public notice prepared in accordance with Rule 0400-12-01-.07(7)(e)4(iii).

Within four calendar days of receiving revisions from the SM or PPO, the PW shall make all changes to the public notice.

Within four calendar days of receiving the SM approval, the PW shall ensure that the public notice is sent to the PPO. The PPO shall ensure that the public notice is given as required under Rule 0400-12-01-.07(7)(e)3(i). The PPO shall also inform the applicant in writing of the action necessary to comply with the requirements of Rule 0400-12-01-.07(7)(e)3(ii). It should be noted that Rule 0400-12-01-.07(7)(a) requires notice to be issued within 30 calendar days of receipt of the RPA.

Within seven calendar days of the receipt of verification that the public notice has been issued, the PW shall update Permit Tracking, RCRAInfo, and Wastebin and provide a copy to the CO file, EPA, and the appropriate FO.

Within two weeks of receipt of the RPA by the Division's HW permitting section, the permit writer assigned to the permit will reach out to the facility contact to set up a meeting/call to discuss the application with them. The facility may want to include their consultant in the meeting/call. During the initial meeting/call, the permit writer should go over the process involved in reviewing the submitted documents, identifying the types of additional information that may be required to complete the review process and why or when a Notice of Deficiency might be issued.

The permit writer should establish a regular time frequency for having follow-up meetings/calls with the facility and consultant. It is understood that issues may come up over time that will cause these meetings/calls to be cancelled and rescheduled by either the facility or the Division, but every effort should be made by Division personnel to ensure these meetings/calls are being routinely held and are productive. Division staff should be aware that the time of facility personnel is valuable, and meetings may be taking them away from other work they have to perform by specific deadlines.

The goal of the calls is to establish a regular line of communication so that the permitting process proceeds without undue delays, and questions can be answered related to information submitted, as well as any additional information that is required in the permitting process is received in a timely manner. During the permitting process, any permit conditions that will be associated with the permit should be discussed with the facility as the permit is being reviewed and written by the permit writer. It is the goal of the Division to ensure that once the draft permit is issued for public comment, any conditions in the permit have been previously discussed with the facility, as well as the information contained in the various permit sections.

Upon receipt of public comments, if changes to the permit are determined to be necessary, which are substantive in nature (not grammatical, error in rule citation, etc.) the PW, SM, and PM will schedule a meeting/call with the permittee to update them on the changes that will be incorporated into the final permit. The Division realizes that not all permit conditions will be agreed upon 100%, but the goal is to have a permit that is protective of human health and the environment and meets the requirements of the State of Tennessee and the U.S. EPA.

The HW Section Manager, as well as the HW Program Manager, should be included on emails and meeting notices. They are expected to attend as needed to assist in facilitating the permitting process. Others involved in the review process (i.e., Waste Analysis Plan, etc.) should be included in the meetings/calls as appropriate.

### **STEP 3 - REVIEW OF AN INITIAL RPA**

#### **A. CORRECTIVE ACTION PORTIONS (IF APPLICABLE)**

Within 80 calendar days of the receipt of an initial RPA, the CAR shall:

1. Complete an **in-depth, thorough regulatory and technical review** of the initial RPA (corrective-action portions) identifying all deficiencies.
2. If a deficiency(s) is identified:
  - a. Prepare a draft NOD to document all deficiencies in the initial RPA (corrective-action portions) to be included in the overall NOD. Changes to content and scope of information/data necessary to draft a permit must be addressed in the application stage as an NOD; not in the draft permit stage. An RPA is deficient if it does not show or describe how the permittee shall comply with all applicable requirements/standards of the regulations. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and

a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD must be technically, statutorily, regulatorily, and grammatically correct such that no revisions are necessary.

- b. Email a copy of the checklist(s) and draft NOD to the SM, PW, and PR (if one has been assigned) to be incorporated in the overall NOD.
- c. If the CAR is notified that no deficiencies were identified in the RPA regarding non-corrective action, then:
  - i. The CAR shall prepare an NOD transmittal letter that is technically, regulatorily, and grammatically correct with no revisions necessary. Email the SM (copy the PW) the draft NOD, all checklists, and transmittal letter informing them that the only deficiency(s) regards corrective action.
  - ii. Within five calendar days of receiving any revisions from the SM, the CAR shall make any revision(s) to the draft NOD and email the revised document to the SM.
3. If no deficiency(s) is identified, email the SM, PW, and PR (if one has been assigned) informing them that no deficiencies were identified in the initial RPA (corrective-action portions) with checklist(s) attached and begin drafting the corrective action portions of the draft renewal permit under Step 5.

## **B. FIELD OFFICE REVIEW (OPTIONAL)**

If the Field Office decides to submit comments on the initial RPA, then written comments must be emailed to the PW within 60 calendar days of the receipt of an initial RPA. The SM, PW, and CAR (if applicable) will schedule and hold a conference call with the FO to discuss their comments prior to finalizing any NOD.

## **C. NON-CORRECTIVE ACTION PORTIONS**

Within 90 calendar days of the receipt of an initial RPA, the PW shall:

1. Complete an **in-depth, thorough regulatory and technical review** of the initial RPA (non-corrective-action portions) identifying all deficiencies.
2. If no deficiency(s) is identified in the initial RPA (non-corrective-action portions), email the SM, CAR (if applicable), and PR (if applicable), with the checklist(s) attached, informing them that no deficiencies were identified regarding the initial RPA (non-corrective-action portions), then begin drafting the non-corrective action portions of the draft renewal permit under Step 5 of this document.

3. If a deficiency(s) is identified in the initial RPA (non-corrective-action portions):
  - a. Prepare a draft NOD to document all deficiencies identified in the initial RPA (incorporate all deficiencies provided by the CAR). The NOD must include all deficiencies in the RPA. Changes to content and scope of information/data necessary to draft a permit must be addressed in the application stage as an NOD; not in the draft permit stage. An RPA is deficient if it does not show or describe how the permittee shall comply with all applicable requirements/standards of the regulations. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD must be technically, statutorily, regulatorily, and grammatically correct, such that no revisions are necessary. If deficiencies were provided by the CAR, the PW shall email a draft of the NOD to the CAR for their review and comment prior to emailing the draft NOD to the SM.
  - b. Prepare a draft NOD transmittal letter that is technically, regulatorily, and grammatically correct, such that no revisions are necessary.
  - c. Email the checklist(s), draft NOD transmittal letter, and overall draft NOD to the SM and PR (if applicable).
  - d. Within five calendar days of receiving any revisions from the SM, the PW shall make any revision(s) to the draft NOD and email the revised document to the SM.

#### **D. PEER REVIEW (OPTIONAL)**

The SM may assign a PR to review a portion(s) of the initial RPA. The PR shall be provided with the draft NOD prepared by the PW or CAR (if applicable). Within 30 calendar days of the receiving the draft NOD, the PR shall:

1. Complete an **in-depth, thorough regulatory and technical review** of the portion(s) of the initial RPA as assigned by the SM, identifying all deficiencies.
2. Prepare draft NOD comments to document any additional deficiencies identified that were not noted in the draft NOD provided by the CAR or PW. The NOD must include all deficiencies in the RPA that were not identified in the draft NOD provided to the PR. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD comments must be technically, statutorily, regulatorily, and grammatically correct such that no revisions are necessary.
3. Email the CAR or PW, as appropriate, and the SM to inform them of any additional deficiencies that were identified or that no additional deficiencies were identified.

## E. FINALIZE NOD

Within five calendar days of being instructed by the SM to include any additional deficiencies identified by the PR or other revisions, the PW or CAR (if applicable) shall make any revision(s) in the draft NOD and transmittal letter and email the revised documents to the SM.

Within five calendar days of receiving approval from SM, the PW or CAR (if applicable) shall issue the NOD.

Within seven calendar days of issuing a NOD, the PW or CAR (if applicable) shall update Permit Tracking, RCRAInfo, and Wastebin and provide a copy to the CO file, EPA, and the appropriate FO.

As identified in Step 2, the PW or, as applicable, CAR shall contact the applicant after the NOD is issued and will discuss in the regularly scheduled meeting/call any deficiencies that were noted in the NOD with applicant. At a minimum, any meeting/call with the applicant shall also include the SM and PM as optional attendees. The PW or CAR shall describe why the information/data in the permit application fails to adequately address the regulatory requirement/standard and is listed as a specific deficiency. DSWM staff are to work with applicants to ensure that permits meet regulatory requirements, as well as taking into account the operations of the facility.

## STEP 4 - REVIEW OF REVISED RPA

### A. CORRECTIVE ACTION PORTIONS (IF APPLICABLE)

Within 50 calendar days of the receipt of a revised RPA, the CAR shall:

1. Complete an **in-depth, thorough, regulatory and technical review** of the revised RPA (corrective-action portions), identifying all deficiencies.
2. If a deficiency(s) is identified:
  - a. Prepare a draft NOD to document all deficiencies in the revised RPA (corrective-action portions) to be included in the overall NOD. Changes to content and scope of information/data necessary to draft a permit must be addressed in the application stage as an NOD; not in the draft permit stage. An RPA is deficient if it does not show or describe how the permit shall comply with all applicable requirements/standards of the regulations. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD must be technically, statutorily, regulatorily, and grammatically correct, such that no revisions are necessary.
  - b. Email a copy of the checklist(s) and draft NOD to the SM, PR (if applicable), and PW to be incorporated in the overall NOD.

- c. If the CAR is notified that no deficiencies were identified in the RPA regarding non-corrective action, then:
  - i. The CAR shall prepare a NOD transmittal letter that is technically, regulatorily, and grammatically correct with no revisions necessary. Email the SM (copy PW) and PR (if applicable) the draft NOD, all checklists, and transmittal letter informing them that the only deficiency(s) regards corrective action.
  - ii. Within five calendar days of receiving any revisions from the SM, the CAR shall make any revision(s) to the draft NOD and email the revised document to the SM. Proceed to item E (FINALIZE NOD) below.
3. If no deficiency(s) is identified, email the SM, PW, and PR (if applicable) informing them that no deficiencies were identified in the revised RPA (corrective-action portions) with the checklist(s) attached, and begin drafting the corrective action portions of the permit under Step 5.

#### **B. FIELD OFFICE REVIEW (OPTIONAL)**

If the Field Office decides to submit comments on the revised RPA, then written comments must be emailed to the PW within 35 calendar days of the receipt of the RPA. The SM, PW, and CAR (if applicable) will schedule and hold a conference call with the FO to discuss their comments prior to finalizing any NOD.

#### **C. NON-CORRECTIVE ACTION PORTIONS**

Within 60 calendar days of the receipt of a revised RPA, the PW shall:

1. Complete an **in-depth, thorough regulatory and technical review** of the revised RPA (non-corrective-action portions), identifying all deficiencies.
2. If no deficiency(s) is identified in the revised RPA (non-corrective-action portions), email the SM, CAR (if applicable), and PR (if applicable) with checklist(s) attached informing them that no deficiencies were identified regarding the revised RPA (non-corrective-action portions). Then begin drafting the non-corrective action portions of the draft renewal permit under Step 5 of this document.
3. If a deficiency(s) is identified in the revised RPA (non-corrective-action portions):
  - a. Prepare a draft NOD to document all deficiencies identified in the revised RPA (incorporate all deficiencies provided by the CAR). The NOD must include all deficiencies in the RPA. Changes to content and scope of information/data necessary to draft a permit must be addressed in the application stage as an NOD; not in the draft permit stage. An RPA is deficient if it does not show or describe how the permittee shall comply with all applicable requirements/standards of the regulations.

The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD must be technically, statutorily, regulatorily, and grammatically correct, such that no revisions are necessary. If deficiencies were provided by the CAR, the PW shall email a draft of the NOD to the CAR for review and comment prior to emailing the draft NOD to the SM.

- b. Prepare a draft NOD transmittal letter that is technically, regulatorily, and grammatically correct, such that no revisions are necessary.
- c. Email the checklist(s), draft NOD transmittal letter, and overall draft NOD to the SM and PR (if applicable).
- d. Within five calendar days of receiving any revisions from the SM, the PW shall make any revision(s) to the draft NOD and email the revised document to the SM.

#### **D. PEER REVIEW (OPTIONAL)**

The SM may assign a PR to review a portion(s) of the revised RPA. The PR shall be provided with the draft NOD prepared by the PW or CAR (if applicable). Within 30 calendar days of the receiving the draft NOD, the PR shall:

1. Complete an **In-depth, thorough regulatory and technical review** of the portion(s) of the revised RPA as assigned by the SM, identifying all deficiencies.
2. Prepare the draft NOD comments to document any additional deficiencies identified that were not noted in the draft NOD provided by the CAR or PW, as appropriate. The NOD must include all deficiencies in the RPA that were not identified in the draft NOD provided to the PR. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD comments must be technically, statutorily, regulatorily, and grammatically correct, such that no revisions are necessary.
3. Email the CAR or PW, as appropriate, and the SM of any additional identified deficiencies or that no additional deficiencies were identified.

#### **E. FINALIZE NOD**

Within five calendar days of being instructed by the SM to include any additional deficiencies identified by the PR or other revisions, the PW or CAR (if applicable) shall make any revision(s) in the draft NOD and transmittal letter, and email the revised documents to the SM.

Within five calendar days of receiving approval from SM, the PW or CAR (if applicable) shall issue the NOD.

Within seven calendar days of issuing a NOD, the PW or CAR (if applicable) shall update Permit Tracking, RCRAInfo, and Wastebin, and provide a copy to the CO file, EPA, and the appropriate FO.

As identified in Step 2, the PW or, as applicable, CAR shall contact the applicant after the NOD is issued to discuss in the regularly scheduled meeting/call any deficiencies that were noted in the NOD with the applicant. At a minimum, any meeting/call with the applicant shall also include the SM and PM as optional attendees. The PW or CAR shall describe why the information/data in the permit application fails to adequately address the regulatory requirement/standard and is listed as a specific deficiency. DSWM staff are to work with applicants to ensure that permits meet regulatory requirements, as well as taking into account the operations of the facility.

## **STEP 5 - PREPARING COMPLETENESS LETTER AND DRAFT RENEWAL PERMIT**

Note: If the PW or CAR determines that there is reason to deny the permit renewal, then they shall immediately schedule a meeting with the SM and PM. If, after consultation with upper management, a tentative determination is made to deny the permit renewal, then proceed to Step 13.

### **A. COMPLETENESS LETTER**

Within five calendar days of the PW determining that no deficiency(s) was identified in the most recent version of the RPA (non-corrective-action portions) and being notified by the CAR (if applicable) that no deficiency(s) was identified in the most recent version of the RPA (corrective action portion), the PW shall prepare and email a draft completeness letter to the SM.

Within five calendar days of receiving approval from the SM, the PW shall issue the completeness letter.

Within seven calendar days of the issuing the completeness letter, the PW shall update Permit Tracking, RCRAInfo, and Wastebin and provide a copy to the CO file, EPA, and the appropriate FO.

### **B. CORRECTIVE ACTION PORTION (IF APPLICABLE)**

Within 45 calendar days of emailing the SM that no deficiency(s) was noted in the corrective action portion of the most recent version of the RPA was noted, the CAR shall email a copy of the working draft corrective action section, corrective action attachment(s) for the draft permit, and information for the fact sheet and statement(s) of basis to the SM and PW to be incorporated into the draft permit. The draft corrective action section and attachment for the working draft permit must include all the necessary requirements and standards to address corrective action for the duration of the permit, if one is issued. All documents must be technically, statutorily, regulatorily, and grammatically correct, with no revisions necessary.

During the 45 days while developing the working draft of the corrective action section and corrective action attachment(s), the CAR shall share a working draft with the applicant and work with the applicant on making any appropriate revisions. If the CAR and applicant cannot reach an agreement on the wording within 45 days, the CAR shall inform the SM and PM and then offer to set up a meeting/call to discuss with the applicant and include the SM and PM. The goal is to have a permit that is protective of human health and the environment and meets the requirements of the State of Tennessee and the U.S. EPA.

### **C. NON-CORRECTIVE ACTION PORTIONS**

Within 60 calendar days of emailing the SM that no deficiency(s) was noted in the non-corrective action portion of the most recent version of the RPA, the PW shall email a copy of the working draft permit (overall) to the SM, CAR (if applicable), and FO (if applicable). The draft non-corrective action sections and attachments for the draft permit shall be in accordance with Rule 0400-12-01-.07(7)(c) and (8). The drafts must include all the information and conditions for all units covered by the draft permit to necessitate the facility's operation in compliance with all applicable regulatory requirements and standards for the duration of the permit, if one is issued. All documents must be technically, statutorily, regulatorily, and grammatically correct, with no revisions necessary. The draft must also incorporate the draft corrective action section and attachment(s) provided by the CAR, if applicable.

During the 60 days while developing working draft of the non-corrective action sections and attachments for the draft permit, the PW shall share a working draft with the applicant and work with the applicant on making any appropriate revisions. If the PW and applicant cannot reach an agreement on the wording within 60 days, the PW shall notify the SM and PM and offer to set up a meeting/call to discuss with the applicant and include the SM and PM. The goal is to have a permit that is protective of human health and the environment and meets the requirements of the State of Tennessee and the U.S. EPA.

Within five calendar days of emailing a copy of the working draft permit (overall) to the SM, the PW shall:

1. In accordance with Rule 0400-12-01-.07(7)(e)1(i), 2, and 4, prepare a draft public notice. [If the applicant requests a public hearing or the SM determines one is needed due to public interest, the public notice shall also include a notice for a public hearing, in accordance with Rule 0400-12-01-.07(7)(g). Time frames are identified in Rule 0400-12-01-.07(7)(e)2. The PW must work with the SM, CAR (if applicable), and PPO to schedule any public hearings.]
2. In accordance with Rule 0400-12-01-.07(7)(d), prepare a draft fact sheet.
3. Email a copy of the draft public notice, fact sheet, and statement(s) of basis (if applicable) to the SM, PPO, and CAR (if applicable).

Step 6 provides further procedures for the public notice.

#### **D. FIELD OFFICE REVIEW (OPTIONAL)**

If the FO has comments on the working draft permit, then they must be emailed to the PW within 10 calendar days of the receipt of the working draft permit. The SM, PW, and CAR (if applicable) will schedule and hold a conference call with the FO to discuss their comments prior to finalizing the draft permit.

#### **E. PEER REVIEW (OPTIONAL)**

The SM may assign a PR to review a portion(s) of the working draft permit after the CAR or PW has completed it. Within 20 calendar days of the assignment, the PR shall:

1. Complete an **in-depth, thorough regulatory and technical review** of the portion(s) of the working draft permit assigned by the SM, identifying all deficiencies.
2. Prepare written comments on the working draft permit, identifying deficiencies.
3. Email the written comments to the SM.

#### **F. FINALIZE DRAFT PERMIT**

1. Within seven calendar days of receiving revisions from the SM and CAR (if applicable), the PW shall make all revisions to the working draft permit and email the revised working draft permit to the SM and CAR (if applicable).
2. Once the working draft permit is acceptable to the SM, the SM shall email the working draft permit to the PM.
3. Once any necessary revisions are made to the working draft permit, and it is acceptable to the PM and SM, the PM shall schedule a meeting with the Director, PW, CAR (if applicable), SM, PM, and DDCO (optional).

### **STEP 6 - DRAFT PERMIT PUBLIC NOTICE**

Within five calendar days of receiving any revision(s) to the public notice from the SM, PPO, or CAR (if applicable), the PW shall make the revision(s) to the notice and email the revised notice to the PM, SM, PPO, and CAR (if applicable). Once the public notice is finalized:

#### **A. Prior to the issuance of the public notice, the PW shall:**

1. Send the public notice, fact sheet, statement(s) of basis (if applicable), and draft permit to the applicant, CO files, FO, repository, and EPA; and
2. Update the Permit Tracking, RCRAInfo, and Wastebin.

- B. The PPO shall also inform the applicant in writing of their responsibilities under Rule 0400-12-01-.07(7)(e)1(i)(II) and (III) [if applicable], Rule 0400-12-01-.07(7)(e)1(ii), and Rule 0400-12-01-.07(7)(e)3(ii). The PPO shall make the notifications under Rule 0400-12-01-.07(7)(e)3(i).

#### **STEP 7 - PUBLIC HEARING REQUEST DURING THE PUBLIC COMMENT PERIOD**

If a public hearing was not scheduled in the original notice and a written request is received during the public comment period, then within four calendar days of the receipt of the request, the PW shall provide the request to the SM, PM, and CAR (if applicable). If the SM and PM decide that the request is justified, then the SM, PPO, PW, and CAR (if applicable) shall coordinate the scheduling of the public hearing.

Within five calendar days of the determination of the location and date of the public hearing, the PW shall prepare a public notice for the public hearing, as specified in Rule 0400-12-01-.07(7)(g), and email to the SM, PPO, and CAR (if applicable).

Within five calendar days of receiving any revision(s) from the SM, PPO, or CAR (if applicable), the PW shall make the revision(s) to the notice and email the revised notice to the PM, SM, PPO, and CAR (if applicable). The PPO shall inform the applicant in writing of her/his responsibilities under Rule 0400-12-01-.07(7)(e)1(i)(II) and (III) [if applicable], Rule 0400-12-01-.07(7)(e)1(ii), and Rule 0400-12-01-.07(7)(e)3(ii). The PW shall ensure that Permit Tracking, RCRAInfo, and Wastebin are updated prior to the issuance of the public notice.

#### **STEP 8 - PUBLIC HEARING (IF APPLICABLE)**

The PW and others, as specified by the SM and PM, shall attend the public hearing. Any person may submit oral or written statements, as well as data related to the draft permit during the public hearing. The public comment period is automatically extended to the close of any public hearing. The hearing officer may also extend the comment period by so stating at the hearing. A recording or written transcript of the hearing shall be made available to the public.

#### **STEP 9 - RESPONSE TO COMMENTS**

Notes: 1) Upon receipt of public comments, if changes to the permit are determined to be necessary, which are substantive in nature (not grammatical, error in rule citation, etc.) the PW, SM and PM will schedule a meeting/call with the permittee to update them on the changes that will be incorporated into the final permit. The Division realizes that not all permit conditions will be agreed upon 100%, but the goal is to have a permit that is protective of human health and the environment and meets the requirements of the State of Tennessee and the U.S. EPA. 2) If the PW or CAR determines at any time during the review that there is reason to deny the permit renewal, then they shall immediately schedule a meeting with the SM and PM. If, after consultation with upper management, a tentative determination is made to deny the permit renewal, then proceed to step 13.

**A. CORRECTIVE ACTION PORTION (IF APPLICABLE)**

Within 20 calendar days of the close of the public comment period, including any public hearing, the CAR shall:

1. Prepare a document that describes and responds to all significant comments on the corrective action portion of the draft permit raised during the public comment period or during any public hearing.
2. Specify which provisions, if any, of the draft permit have been changed in the final permit draft and the reasons for the change.
3. Email a copy of the draft corrective action response to comments for the final draft permit to the SM and PW to be incorporated into the overall response to comments.

**B. NON-CORRECTIVE ACTION PORTION**

Within 25 calendar days of the close of the public comment period, including any public hearing, the PW shall:

1. Prepare a document that describes and responds to all significant comments on the non-corrective action portions of the draft permit raised during the public comment period or during any public hearing.
2. Specify which provisions, if any, of the draft permit have been changed in the final permit draft and the reasons for the change.
3. Incorporate the draft corrective action response to public comments provided by the CAR (if applicable) into the overall draft response to public comments.
4. Email a copy of the draft overall response to public comments for the draft permit to the SM and CAR (if applicable).

Within five calendar days of receiving revisions from the SM or CAR (if applicable), the PW shall make all revisions to the response to comments and email the revised response to comments to the SM.

**STEP 10 - PREPARING FINAL PERMIT DRAFT**

NOTE: If, after preparing the response to public comments, the PW or the CAR determines that there is reason to deny the permit renewal, they shall immediately schedule a meeting with the SM and PM. After consultation with upper management, if a tentative determination is made to deny the permit renewal, proceed to Step 13.

**A. CORRECTIVE ACTION PORTION (IF APPLICABLE)**

Within 15 calendar days of emailing a copy of the draft corrective action response to comments for the permit to the SM and PW, the CAR shall:

1. Prepare a final permit draft and attachment regarding the corrective action portion.
2. Email a copy of the final permit draft and attachment regarding the corrective action portion to the SM and PW to be incorporated into the overall draft final permit.

**B. NON-CORRECTIVE ACTION PORTION**

Within 20 calendar days of emailing a copy of the draft overall response to public comments to the SM, the PW shall:

1. Prepare a final permit draft and attachments regarding the non-corrective action portions.
2. Incorporate the final permit draft and attachment regarding the corrective action portion into the overall final permit draft with attachments, if applicable.
3. Email a copy of the overall final permit draft with attachments to the PM, SM, and CAR (if applicable).

**C. FINALIZE PERMIT DRAFT**

1. Within five calendar days of receiving revisions from the PM or SM, the PW or CAR (if applicable) shall make all revisions to the final permit draft and email the revised final permit draft to the PM and SM. The PW shall also prepare the "For the Director's Signature" document for the permit reissuance, sign, and provide it to the SM within five calendar days.
2. Within four calendar days of emailing the revised final permit draft to the PM and SM, the PW shall prepare a draft notification of the final permit decision, in accordance with Rule 0400-12-01-.07(7)(i)1, and email it to the SM and PPO.
3. Within five calendar days of receiving any revision from the SM and PPO, the PW shall make the revision(s) to the draft permit decision notification and email the revised document to the PM, SM, and PPO.

**STEP 11 - FINAL PERMIT DRAFT**

The final permit draft and response to comments shall be provided to the Director by the PM with a minimum of 15 days to review and request revisions. The PM shall schedule a meeting with the PM, SM, PW, CAR (if applicable), and Director to discuss the final permit draft and response to comments.

Within seven calendar days of receiving revisions from the Director, the PW and the CAR (if applicable) shall make any revisions and email the revised final permit draft to the PM and SM for final review.

#### **STEP 12 - PERMIT ISSUANCE**

The PM shall provide a copy of the final permit to the Director for signature. The PM shall also provide the "For the Director's Signature" document for the permit reissuance to the Director.

Within five calendar days of the permit being signed by the Director:

- A. The PW shall send a copy of the response to comments, final determination letter, and final permit to the PPO, CAR (if applicable), applicant, EPA, CO file, and the appropriate FO, and update Permit Tracking, RCRAInfo, and Wastebin.
- B. The PPO shall also inform the applicant in writing of their responsibilities under Rule 0400-12-01-.07(7)(e)1(i)(IV), Rule 0400-12-01-.07(7)(e)1(ii), and Rule 0400-12-01-.07(7)(e)3(ii). The PPO shall make the notifications under Rule 0400-12-01-.07(7)(e)3(i) and send a copy of the response to comments and final determination letter to all persons, other than the applicant or EPA, who made comments on the proposed permit action.

#### **STEP 13 - PERMIT DENIAL**

##### **A. PUBLIC NOTICE**

Within seven calendar days of the concurrence of the Director with the tentative decision to deny the permit renewal, the SM, PPO, CAR (if applicable), and PW shall coordinate to determine when the public notice will be issued and schedule a public hearing, if necessary.

Within five calendar days of the determination of the date to issue the public notice and the location and date of the public hearing (if applicable), the PW shall prepare a public notice including a public hearing (if applicable), as specified in Rule 0400-12-01-.07(7)(g)1(iii), (iv), and (v), and email to the SM, PPO, and CAR (if applicable).

Within five calendar days of receiving any revision(s) from the SM or PPO, the PW shall make the revision(s) to the notice and email to the PM, SM, PPO, and CAR (if applicable). Once the public notice is finalized:

1. Prior to the issuance of the public notice, the PW shall:
  - a. Send the public notice to the applicant, CO files, FO, repository, and EPA; and
  - b. Update the Permit Tracking, RCRAInfo, and Wastebin.
2. The PPO shall advertise the public notice in accordance with Rule 0400-12-01-.07(7)(e)3(ii), send the public notice to all, as required under Rule 0400-12-01-.07(7)(e)3(i), and send a

copy of the response to comments and final determination letter to all persons, other than the applicant or EPA, who made comments on the proposed permit action.

## **B. RESPONSE TO COMMENTS**

Within 17 calendar days of the close of the public comment period, including any public hearing, the PW and CAR (if applicable) shall:

1. Prepare a document that describes and responds to all significant comments on the draft permit denial raised during the public comment period or during any public hearing.
2. Email a draft copy of the overall response to public comments for the draft denial to the PM and SM.

Within five calendar days of receiving revisions from the PM or SM, the PW shall make all revisions to the response to comments and email the revised denial to the SM. The PW shall also prepare the "For the Director's Signature" document for the permit denial, sign, and provide it to the SM within three calendar days.

Within four calendar days of emailing the revised denial to the SM, the PW shall prepare a draft notification of the final permit decision, in accordance with Rule 0400-12-01-.07(7)(i)1, and email it to the SM and PPO.

Within four calendar days of receiving any revision from the SM or PPO, the PW shall make the revision(s) to the draft permit decision notification and email the revised document to the SM and PPO.

## **C. FINAL DECISION**

The response to comments shall be provided to the Director by the PM with a minimum of 15 calendar days to review and request revisions. The PM shall also provide the "For the Director's Signature" document for the permit denial to the Director. The Director may decide the tentative decision to deny the permit was incorrect; if so, the DSWM shall withdraw the notice of intent to deny and proceed to prepare a draft permit under Step 10 above. Otherwise, proceed as follows.

1. Within four calendar days of receiving revisions from the Director, the PW and CAR (if applicable) shall make any revisions identified by the Director.
2. Within five calendar days of the permit denial being signed by the Director:
  - i. The PW shall send a copy of the response to comments and permit decision notification to the applicant, CO file, PPO, EPA, and the appropriate FO and update Permit Tracking, RCRAInfo, and Wastebin.

- ii. The PPO shall send a copy of the permit decision notification to each person who has submitted written comments, requested notice of the final permit decision, and is identified on the mailing list.

**REVISION HISTORY TABLE**

<b>Revision Number</b>	<b>Date</b>	<b>Brief Summary of Change</b>
0	012921	Initial