

**SWM-SWP-P-142- Processing Closure Certifications/Documents – 12/09/22**  
**Standard Operating Procedure (SOP) – Processing Closure Certifications/Documents**

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**EFFECTIVE DATE:** 12/09/22

**SIGNATURES:**



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Approver



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## **SECTION 1: INTRODUCTION**

This Standard Operating Procedure (SOP) provides procedures for Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), employees to assist in the processing of Closure Certifications/Documents verifying that closure has been completed in accordance with the most recent approved closure plan and the final cover system was constructed in accordance with the most recent approved construction quality assurance plan. Statutory and regulatory authorities are provided in Section 2. This SOP is only intended to describe routine conditions normally encountered with the processing of Closure Certifications/Documents. 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, manager, and as necessary, upper management. Please note that the release of financial assurance for closure for all or a portion of a disposal facility does not occur until the DSWM Director has issued a letter stating in detail the portion(s) of the disposal facility that the Director is approving and the date of the certification of Closure Documents, as defined in Section 6 of this document. Additionally, the post-closure care period does not begin until the entire landfill has been closed per the approved permit, including the most recently approved closure plan, and DSWM has approved the closure via a letter signed by the Director.

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

### **Tennessee Statutory Authority**

T.C.A. § 68-211-101 et seq., the Tennessee Solid Waste Disposal Act.

### **Tennessee Rule Authorities**

The Rule citations listed below and in this guidance were effective on the Effective Date listed in the regulations could be amended on a later date and those Rules, as amended, would apply. Additionally, this is not a comprehensive list of all the regulations that could apply to closure of a disposal facility.

Rule 0400-11-01-.02(3)(a)8 [Rule page 32] states:

*All reports required by permits and other information requested by the Commissioner shall be signed by a person described in part 7. of this subparagraph, or by a duly authorized representative of that person. A person is a duly authorized representative only if:*

- (i) The authorization is made in writing by a person described in part 7. of this subparagraph;*
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or person of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and*
- (iii) The written authorization is submitted to the Commissioner.*

Rule 0400-11-01-.02(3)(a)10 [Rule page 33] states:

*Any person signing a document under parts 7. or 8. of this subparagraph shall make the following certification:*

*"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and*

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*evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. As specified in T.C.A. § 39-16-702(a)(4), this declaration is made under penalty of perjury.”*

Rule 0400-11-01-.03(2)(a) [Rule page 49] states:

*General Requirements - Operators of facilities must submit a closure/post-closure care plan to the Department, obtain approval of the plan, and amend the plan when necessary, as set forth in this paragraph.*

Rule 0400-11-01-.03(2)(b)1 [Rule page 49] states:

*The closure/post-closure plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, and must identify the activities which will be carried on after closure and the frequency of these activities. For facilities being developed or to be developed according to a phased development plan, the closure/post-closure care plan must address each parcel separately as well as the whole.*

Rule 0400-11-01-.03(2)(b)2 [Rule pages 49 and 50] states:

*The closure/post-closure plan must include, at a minimum:*

- (i) A description of how and when the facility will be partially closed, if applicable, and finally closed. If minimum closure areas are used, they must be delineated in the engineering plans. The description must identify how the applicable closure standards of paragraph (8) of Rule 0400-11-01-.04 will be met. It must also include an estimate of the expected year of closure and a schedule for completing the steps of final closure;*
- (ii) A description of the planned ground and surface water monitoring and other monitoring and maintenance activities and frequencies at which they will be performed. The description must identify how the applicable post-closure care standards of paragraph (8) of Rule 0400-11-01-.04 and the applicable Ground Water Protection/Monitoring Standards of paragraph (7) of Rule 0400-11-01-.04 will be met; and*
- (iii) The name, address, and phone number of the person or office to contact about the facility during the post-closure care period. This person or office must keep an updated closure/post-closure plan during the post-closure care period.*
- (iv) An itemized estimate in current dollars of the cost based on hiring a third party to perform the closure and post-closure care activities.*
- (v) A description of the planned uses of the property during the post-closure care period.*
- (vi) For Class I and Class II facilities, a description of recommended inspection, monitoring, maintenance activities for long-term custodial care, during the 50-year period beginning upon certification of completion of post-closure to ensure the continued protection of human health and the environment. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.*

Rule 0400-11-01-.03(2)(c) [Rule page 50] states:

*Resubmittal of Plan - All Class I and Class II facilities must submit a new closure/post-closure care plan every 10 years from the date of the original permit or the date of approval of the most recent permit modification for an expansion. The resubmittal of a plan will be processed as a minor*

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*modification to the facility and must comply with subparagraph (b) of this paragraph. At a minimum:*

- 1. Itemized closure/post-closure cost estimates must be adjusted by recalculating the maximum closure/post-closure amounts in current dollars and taking into account any design changes, new monitoring points, and changes in materials.*
- 2. The phased development plan must be updated and reconciled with the closure/post-closure cost estimate.*
- 3. Minimum closure areas must be revised or added to reflect planned partial closure of the facility.*
- 4. The new plan must include a separate itemized cost estimate for long-term custodial care activities. This cost estimate is not to be included in the financial assurance amount for the facility.*

Rule 0400-11-01-.03(2)(d) [Rule pages 50 and 51] states:

*Amendment of Plan - The approved closure/post-closure care plan may be amended at any time during the active life of the facility or during the post-closure care period as set forth in this subparagraph.*

- 1. The operator may request to amend the plan to alter the closure requirements, to alter the post-closure care requirements, or to extend or reduce the post-closure care period based on cause. The request must include evidence demonstrating to the satisfaction of the Commissioner that:
  - (i) The nature of the facility makes the closure or post-closure care requirement(s) unnecessary; or*
  - (ii) The nature of the facility supports reduction of the post-closure care period; or*
  - (iii) ted extension in the post-closure care period or alteration of closure or post-closure care requirements is necessary to prevent threats to human health and the environment.**
- 2. Such plan amendments shall be processed as modifications to the permit. However, the Commissioner may decide to modify the plan if he deems it necessary to prevent threats to human health and the environment. He may extend or reduce the post-closure care period based on cause or alter the closure or post-closure care requirements based on cause. However, no such modifications shall be initiated until the operator has been notified of such proposed action and provided the opportunity to be heard on the matter.*
- 3. The cost estimate of the approved closure/post closure care plan must be adjusted annually for inflation. Such inflation adjustment shall not be considered an amendment of the plan.*

Rule 0400-11-01-.03(3)(i) [Rule page 64] states:

*Maintenance/Release of Financial Assurance - The financial assurance must be maintained until the Commissioner releases it as specified in this subparagraph, or until the Commissioner orders forfeiture of the financial assurance as provided in subparagraph (j) of this paragraph.*

- 1. If the closure/post-closure care plan is amended and the amendments result in a reduction in the amount of financial assurance required under that currently filed with the*

- Commissioner, the Commissioner shall, upon the operator's request, cause to be released to the operator (or issuing institution, if appropriate) the excess financial assurance.*
2. *In his notice to the operator that closure of the facility or facility parcel is approved (refer to part (8)(c)9. of Rule 0400-11-01-.04), the Commissioner will also notify the operator that he is no longer required by this paragraph to maintain financial assurance for such closure. At such time the Commissioner shall cause to be released to the operator (or issuing institution, if appropriate) the financial assurance filed to provide for such closure.*
  3. *During the period of post-closure care, the Commissioner may reduce the amount of financial assurance required for the facility if the operator demonstrates to the Commissioner that the amount currently filed exceeds the remaining cost of post-closure care. Upon such occurrence, the Commissioner shall cause to be released to the operator the excess financial assurance on file.*
  4. *When an operator has completed, to the satisfaction of the Commissioner, all post-closure care requirements in accordance with the approved closure/post-closure care plan the Commissioner will, at the request of the operator, notify him in writing that he is no longer required by this paragraph to maintain financial assurance for such post-closure care. At such time the Commissioner shall also cause to be released to the operator (or issuing institution, if appropriate) the financial assurance filed to provide for such post-closure care.*
  5. *Financial assurance will normally be released in the form(s) it was submitted. However, where such release involves an amount equal to only a portion of the funds assured by a financial assurance mechanism (see subparagraphs (e) and (f) of this paragraph), the Commissioner shall, as appropriate considering the type of mechanism involved, either cause to be released to the operator cash or collateral equal to that amount or allow the owner or operator to substitute for the mechanism(s) on file a new mechanism(s) reduced by that amount.*

Rule 0400-11-01-.04(1)(c) [Rule page 66] states:

*Project Supervision - A registered engineer must plan, design, and inspect the construction of any Class I, II, III, or IV disposal facility; also, a registered engineer must assist in the start-up of and outline correct operating procedures for any new or altered facility. Any registered engineer herein required shall be governed by the terms of T.C.A. Title 62, Chapter 2.*

Rule 0400-11-01-.04(8)(a)1 [Rule page 98] states:

*(a) General Performance Standard*

1. *The operator must close the disposal facility or disposal facility parcel in a manner that:*
  - (i) *Minimizes the need for further maintenance; and*
  - (ii) *Controls, minimizes, or eliminates, to the extent necessary to prevent threats to public health and the environment, post-closure escape of solid waste, solid waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground or surface waters or to the atmosphere.*

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Rule 0400-11-01-.04(8)(b) [Rule page 98] states:

*Adherence to Plan - The operator must initiate and complete closure activities and conduct post-closure care activities in accordance with the approved closure/post-closure care plan, if such plan has been prepared and approved for the disposal facility or disposal facility parcel being closed.*

Rule 0400-11-01-.04(8)(c) [Rule pages 98 thru 100] states:

*Closure Requirements - The following requirements apply to active portions of the facility:*

1. *The operator must notify the Division Director of his intent to close at least 60 days prior to the date he expects to begin final closure of the disposal facility or disposal facility parcel.*
2. *The operator must complete closure activities including grading and establishing vegetative cover in the shortest practicable time, not to exceed 180 days, after any fill areas or any portion of the fill areas have achieved final grade, unless the Commissioner allows otherwise in the permit. Permits may provide, or be modified to provide, minimum areas for closure which will be shown in closure plans. Such modifications of closure plans, for the sole purpose of identifying minimum closure areas, shall be deemed minor modifications. When these complete closure areas reach final grade, these areas shall be closed as otherwise provided in this part and within the 180 day time frame provided herein.*
3. *Unless otherwise noted in the permit a depth of compacted final cover material (e.g., soil) shall be placed on the disposal facility or disposal facility parcel in the shortest practicable time, not to exceed 90 days, after achieving final grade of any fill area or any portion of a fill area. At least the top twelve inches of this cover material shall be soil which will support the growth of suitable vegetation (e.g., topsoil).*
  - (i) *At Class I and Class II facilities the depth of final cover system shall be at least 36 inches of soil of which a minimum of 12 inches shall be for the support of vegetative cover. The design of the final cover system shall be such that the infiltration volume of water will be equal to or less than the percolation volume through the bottom liner system or a design which includes a compacted soil layer of at least 24 inches which has a permeability no greater than  $1 \times 10^{-7}$  cm/sec, whichever is less. This design shall be supported by the use of the HELP model or other equivalent method approved by the Commissioner. An alternate final cover system may be used provided that it is demonstrated to the satisfaction of the Commissioner that the final cover system provides equivalent or superior performance to the minimum performance standard in this subpart.*
  - (ii) *At Class III and Class IV facilities, unless the Commissioner determines that a greater depth is needed to achieve the general performance standard of subparagraph (a) of this paragraph, the depth of final cover shall be at least 30 inches of compacted soil. The final cover shall consist of an 18-inch compacted soil layer with a maximum hydraulic conductivity of  $1 \times 10^{-5}$  cm/s overlain by a 12-inch protective layer.*
  - (iii) *At Class I, II, III, and IV facilities, with approval of the Commissioner any other low permeability layer construction techniques or materials may be used to provide the final cover, provided that it provides equivalent or superior performance to the requirements of this part.*
4. *The final surface of the disposal facility or disposal facility parcel shall be graded and/or provided with drainage facilities in a manner that:*

- (i) Minimizes precipitation run-on from adjacent areas onto the disposal facility or disposal facility parcel;*
  - (ii) Minimizes erosion of cover material (e.g., no steep slopes);*
  - (iii) Optimizes drainage of precipitation falling on the disposal facility or disposal facility parcel (e.g., prevent pooling); and*
  - (iv) Provides a surface drainage system which is consistent with the surrounding area and in no way significantly adversely affects proper drainage from these adjacent lands.*
- 5. In order to minimize soil erosion, as soon as practicable after final grading, the operator shall take steps as necessary to establish a protective vegetative cover of acceptable grasses over disturbed areas of the site. These steps shall include seeding, mulching, and any necessary fertilization at a minimum, and may include additional activities such as sodding of steeper slopes and drainage ways if such are necessary.*
  - 6. In addition to the drainage and grading requirements and vegetative cover requirements, the operator shall take other measures as may be necessary to minimize and control erosion and sedimentation (e.g., soil stabilization, sediment ponds) at the site.*
  - 7. As required in his permit, or as otherwise necessary to prevent threats to human health and the environment, the operator shall establish and/or complete a system for collecting, removing, and treating leachate generated by the disposal facility or disposal facility parcel.*
  - 8. As required in his permit, or as otherwise necessary to prevent threats to human health and the environment, the operator shall establish and/or complete a system for collecting and venting or otherwise controlling the vertical and horizontal escape of gases generated in the disposal facility or disposal facility parcel.*
  - 9. The operator must notify the Division Director in writing within 60 days of his completion of closure of the disposal facility or disposal facility parcel. Such notification must include a certification by the operator that the disposal facility or disposal facility parcel has been closed in accordance with the approved closure/post-closure care plan. Within 21 days of the receipt of such notice the Division Director shall inspect the facility to verify that closure has been completed and in accordance with the approved plan. Within 10 days of such verification, the Commissioner shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.*

Rule 0400-11-01-.04(9)(c)19 [Rule page 107]

*(c) Narrative Description of the Facility and Operations - The Part II permit application must include, with appropriate references to the engineering plans and hydrogeological report, a narrative which clearly:*

*19. Describes in a construction quality assurance plan:*

- (i) How each new "as built" solid waste landfill unit(s) liner(s) and/or lateral expansion liner(s) and cover system(s) will be inspected and/or tested by a registered engineer as required at subparagraph (1)(c) of this rule during construction or installation for uniformity, damage, and imperfections, and*
- (ii) How each constructed section of the liner system or final cover system will be certified by a registered engineer.*

### **SECTION 3: ACRONYMS**

CD – Closure Documents as defined in SECTION 6 on page 9  
CO – Central Office  
CP – Closure Plan  
CQA - Construction Quality Assurance  
DDCO – Deputy Director of the Central Office  
DDFO - Deputy Director of the Field Offices  
DSWM – Division of Solid Waste Management  
EFOM – Environmental Filed Office Manager  
FO – Field Office  
LCOS – Lead Central Office Staff  
LFOS – Lead Field Office Staff  
NOD – Notice of Deficiency  
PM – Solid Waste Program Manager  
SM – Solid Waste Permitting Manager

### **SECTION 4: TEMPLATES**

Please go to the Solid Waste Toolbox in Wastebin for any templates.

### **SECTION 5: BRIEF DESCRIPTION OF DISPOSAL FACILITIES CLOSURE REQUIREMENTS**

The operators of all permitted disposal facilities are required to submit closure and post-closure care plans to the DSWM for review and approval. [Rule 0400-11-01-.03(2)(b)2 - see page 4 of this document]. The plan must include an itemized estimate in current dollars of the cost based on hiring a third party to perform the closure and post-closure care activities [Rule 0400-11-01-.03(2)(b)2(iv) – Rule page 50]. The operators of all Class I and Class II disposal facilities must also submit updated closure and post-closure plans with cost estimates every ten years for DSWM approval [Rule 0400-11-01-.03(2)(c) – see pages 4 and 5 of this document]. Financial assurance is required for both closure and post-closure care plans [Rule 0400-11-01-.03(3)(i) – see pages 5 and 6 of this document].

### **SECTION 6: CLOSURE NOTIFICATIONS, CERTIFICATIONS, AND DOCUMENTS**

The operator must notify the Division Director of his intent to close at least 60 days prior to the date he expects to begin final closure of the disposal facility or disposal facility parcel [Rule 0400-11-01-.04(8)(c)1 - see page 7 of this document]. The operator must also notify the Division Director in writing within 60 days of his completion of closure of the disposal facility or disposal facility parcel and include a certification by the operator that the disposal facility or disposal facility parcel has been closed in accordance with the most recently approved closure plan [Rule 0400-11-01-.04(8)(c)9 - see page 8 of this document]. **For the purpose of this policy, the Closure Documents (CD) include the following:**

1. The notification from the operator to the Division Director in writing that he intends to close the disposal facility or disposal facility parcel within 60 days and a certification by the operator that the disposal facility or disposal facility parcel has been closed in accordance with the most recently approved closure plan [Rule 0400-11-01-.04(8)(c)9 - see page 8 of this document]; and

2. “As built” drawings of the final cover system and other documentation with a certification by a registered engineer that the final cover system was constructed in accordance with the most recent permitted engineering drawing(s) and CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document].

## **SECTION 7: FLOWCHART**

The flowchart provides only a general summary of steps for processing and evaluating CD with details provided in Section 8. Note Rule 0400-11-01-.04(8)(c)9 (see page 8 of this document) requires within 21 days of the receipt of notice that an operator has completed closure of the disposal facility or disposal facility parcel, the DSWM staff shall inspect the facility to verify that closure has been completed and in accordance with the most recently approved plan. Within 10 days of such verification, the Commissioner (Director is the designee) shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

### **STEP 1 - ASSIGNMENTS AND HANDLING PROCEDURES OF CLOSURE DOCUMENTS**

The EFOM assigns a LFOS and the PM or SM assigns a LCOS to work with the FO. If the FO receives the CD, including revisions, then copies are made for the FO and CO and the original is sent to the CO Administrative File Liaison. If the CO receives the CD, including revisions, then a copy is made for the CO and FO and the original is sent to the CO Administrative File Liaison. The LCOS must ensure that the documents are uploaded into Wastebin. Copies may be PDFs. Proceed to Step 2.



### **STEP 2 - STAFF LOCATE APPROVED CLOSURE PLAN AND CONSTRUCTION QUALITY ASSURANCE PLAN**

The LFOS with the assistance of the CO must locate the most recently approved CP (engineering drawings for the final cover system) and applicable construction quality assurance plan (for the final cover system) that is part of the most recently issued permit for the disposal facility and email it to the LCOS for verification that the provided CP and CQA plan is part of the most recently issued permit for the disposal facility. Proceed to Step 3.



### **STEP 3 - STAFF EVALUATION OF THE CLOSURE DOCUMENTS AND SITE VISIT(S)**

The LFOS works with the EFOM and LCOS to schedule a site visit(s). Based on the reviews of the CD and site visit(s), the LFOS and LCOS shall determine if: 1) All closure activities were conducted in accordance with the most recently approved closure plan and Rule 0400-11-01-.04(8)(a)1, (b), and (c) [see pages 6, 7, and 8 of this document]; and 2) The construction of the final cover system was as shown on the engineering drawings, documented in accordance with the CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document], and certified by a registered engineer. The LFOS either prepares a: 1) Draft NOD identifying specific item(s) not documented in the CD or during site visit(s) that did not verify closure was as completed as described in 1 and 2 above; or 2) Draft memo stating the CD and site visit(s) verify closure was conducted as described in described in 1 and 2 above. Proceed to Step 4.



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**STEP 4 – CENTRAL OFFICE AND FIELD OFFICE MEETING**

LFOS shall schedule a meeting (virtual or in-person) including the LFOS, EFOM, LCOS, SM, and PM to discuss the draft NOD or draft memo. The EFOM, SM, and PM may include any other DSWM staff in the meeting. During the meeting, staff shall determine whether to finalize the draft NOD or draft memo or require revisions. Once the NOD is acceptable, the NOD is issued. Staff should return to Step 2 when a revision is submitted. Once the memo is finalized, proceed to Step 5.



**STEP 5 - APPROVAL OF CLOSURE CERTIFICATION**

The FO shall provide a draft letter addressed to the operator for the Director's signature that clearly specifies in detail the portion(s) of the disposal facility that the Director is approving, as well as the date of the certifications of the CD. The CO shall finalize for the Director's signature and provide a copy to the CO Administrative File Liaison and FO. The LCOS must ensure that the letter is uploaded into Wastebin.

**SECTION 8: STEPS FOR PROCESSING CLOSURE CERTIFICATIONS/DOCUMENTS**

**STEP 1: ASSIGNMENTS AND HANDLING PROCEDURES OF CLOSURE CERTIFICATIONS/DOCUMENTS**

Note Rule 0400-11-01-.04(8)(c)9 (see page 8 of this document) requires: 1) within 21 days of the receipt of notice that an operator has completed closure of the disposal facility or disposal facility parcel, the DSWM staff shall inspect the facility to verify that closure has been completed in accordance with the most recently approved plan and 2) within 10 days of such verification, the Commissioner (Director is the designee) shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

The EFOM assigns a LFOS and the PM or SM shall assigns a LCOS to work with the FO.

1. If the FO receives the CD or revisions, then copies are made for the FO and CO and a digital copy (named appropriately) must be sent to the CO Administrative File Liaison. The EFOM sends a copy to the PM. Copies may be PDFs.
2. If the CO receives the CD, including revisions, then copies are made for the FO and CO and the original must be sent to the CO Administrative File Liaison. The PM or SM sends a copy to the appropriate EFOM. Copies may be PDFs.

The LCOS ensures that all documents associated with the CD are uploaded into Wastebin.

**STEP 2: STAFF LOCATE APPROVED CLOSURE PLAN AND CONSTRUCTION QUALITY ASSURANCE PLAN**

The LFOS with the assistance of the CO must locate the most recently approved closure plan and applicable construction quality assurance plan (for the final cover system) that is part of the most recently issued permit for the disposal facility and email it to the LCOS for verification

that the provided CP and CQA plan is part of the most recently issued permit for the disposal facility.

### **STEP 3: STAFF SITE VISIT(S) AND EVALUATION OF THE CLOSURE DOCUMENTS**

The LFOS shall work with the EFOM and LCOS to schedule a site visit(s). The initial site visit must be within 21 days of the date the operator's closure certification was received by the DSWM. Based on the site visit(s) and reviews of the CD, the LFOS and LCOS shall determine if:

1. All closure activities were conducted in accordance with the most recently approved closure plan, Rule 0400-11-01-.04(8)(a)1 and Rule 0400-11-01-.04(8)(c) [see pages 6, 7, and 8 of this document]; and
2. "As built" drawing(s) of the final cover system and other information certified by a Tennessee registered engineer document that the final cover system was constructed in accordance with the most recent permitted engineering drawing(s) and CQA Plan. [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document - [Rule 0400-11-01-.04(1)(c) - see page 6 of this document]

The LFOS either prepares a:

1. NOD stating that the DSWM has determined that based on the observations during site visit(s) and the reviews of the CD and that:
  - a. The operator did not conduct all closure activities in accordance with the most recently approved closure plan, Rule 0400-11-01-.04(8)(a)1, or Rule 0400-11-01-.04(8)(c); and/or
  - b. "As built" drawing(s) of the final cover system and other information certified by a Tennessee registered engineer did not document that the final cover system was constructed in accordance with the most recent permitted engineering drawing(s) and CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document].

The draft NOD must specifically identify in detail how the closure activities were not conducted in accordance with the most recently approved closure plan (Rule 0400-11-01-.04(8)(a)1; Rule 0400-11-01-.04(8)(c)) and/or how the "as built" drawing(s) of the final cover system and other information certified by a Tennessee registered engineer did not document that the final cover system was constructed in accordance with the most recent permitted engineering drawing(s) and CQA Plan. The LFOS shall email the draft NOD to the EFOM, LCOS, and any other staff that the EFOM wants to include and schedule a meeting (virtual or in-person) to include the LFOS, EFOM, LCOS, and any other staff that the EFOM wants to include to discuss the draft NOD and its findings. During this meeting the staff shall work together to finalize the draft NOD. If there is agreement on the draft NOD, then the LFOS shall email the draft NOD (copying the EFOM) to LCOS, PM, SM and proceed to STEP 3. If there is no agreement on draft NOD, then LFOS shall schedule a meeting (virtual or in-person) including the LFOS, EFOM, LCOS, PM, SM and any other staff that the EFOM, PM, or SM want to include to discuss why an agreement could not be reached. Upper DSWM management will decide how to proceed after this meeting if no agreement is reached.

2. A memo stating that the DSWM has determined that based on the observations during site visit(s) and the reviews of the CD and that:

- a. The operator did conduct all closure activities in accordance with the most recently approved closure plan, Rule 0400-11-01-.04(8)(a)1, and Rule 0400-11-01-.04(8)(c); and
- b. “As built” drawing(s) of the final cover system and other information certified by a Tennessee registered engineer did document that the final cover system was constructed in accordance with the most recent permitted engineering drawing(s) and CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document].

The draft memo must specifically state that based on the observations during site visit(s) and the reviews of the CD and that the closure was completed in accordance with the approved closure plan, Rule 0400-11-01-.04(8)(a)1, and Rule 0400-11-01-.04(8)(c), and the final cover system construction was documented in accordance with the CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document] and certified by a Tennessee registered engineer [Rule 0400-11-01-.04(1)(c) - see page 6 of this document]. The LFOS shall email the draft memo to the EFOM, LCOS, and any other staff that the EFOM wants to include and schedule a meeting (virtual or in-person) to include the LFOS, EFOM, LCOS, and any other staff that the EFOM wants to include to discuss the draft memo and its findings. During this meeting the staff shall work together to finalize the draft memo. If there is agreement on the draft memo, then the LFOS shall email the draft memo (copying the EFOM) to LCOS, PM, SM and proceed to STEP 3. If there is no agreement on draft memo, then LFOS shall schedule a meeting (virtual or in-person) including the LFOS, EFOM, LCOS, PM, SM and any other staff that the EFOM, PM or SM want to include to discuss why an agreement could not be reached. Upper DSWM management will decide how to proceed after this meeting if no agreement is reached.

#### **STEP 4: CENTRAL OFFICE AND FIELD OFFICE MEETING**

The LFOS shall schedule a meeting (virtual or in-person) including the LFOS, EFOM, LCOS, PM, and SM to discuss the draft NOD or draft memo. The EFOM, PM, and SM may include any other DSWM staff in the meeting. During the meeting, staff shall determine one of the following:

1. If there is no objection to the draft NOD, then the LFOS shall finalize the NOD with a compliance date(s) (signed by the LFOS) and send certified mail to the operator and owner, if they are not the same party. The LFOS shall provide a copy of the NOD to the CO Administrative File Liaison and LCOS. The LCOS will ensure that the NOD is uploaded into Wastebin. If the FO receives a response(s) to the NOD, then digital copies (named appropriately) must be sent to the PM and CO Administrative File Liaison. If the CO receives the response to the NOD then digital copies (named appropriately) must be sent to the EFOM and CO Administrative File Liaison. Proceed back to Step 3.
2. If the draft NOD cannot be finalized because there are revisions necessary, including additional items that must be addressed, then proceed back to STEP 3.
3. If there is no objection to the draft memo, then the LFOS shall finalize the memo (signed by the LFOS) and send a copy to the CO Administrative File Liaison and LCOS. The LCOS must ensure that the memo is uploaded into Wastebin. Proceed to Step 5.
4. If the draft memo cannot be finalized because there are additional items that must be addressed to determine if:

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- a. The operator conducted all closure activities in accordance with the most recently approved closure plan, Rule 0400-11-01-.04(8)(a)1, and Rule 0400-11-01-.04(8)(c); and
- b. The final cover system construction was in accordance with the most recent engineering drawings, documented in accordance with the most recent CQA Plan [Rule 0400-11-01-.04(9)(c)19 - see page 8 of this document], and certified by a Tennessee registered engineer [Rule 0400-11-01-.04(1)(c) - see page 6 of this document].

Proceed back to Step 3 and the LFOS and LCOS shall evaluate all identified additional items that must be addressed.

**STEP 5: APPROVAL OF CLOSURE CERTIFICATION**

The LFOS shall draft a letter to the operator (and owner, if they are not the same party) for the Director’s signature that clearly specifies in detail the portion(s) of the disposal facility that the letter is approving the date of the certification of CD. Once the draft letter is acceptable to the EFOM, the LFOS shall email the draft letter to the PM, SM, and LCOS to be finalized for the Director’s signature. The CO shall finalize for the Director’s signature and provide a copy to the CO Administrative File Liaison and EFOM. The LCOS must ensure that the letter is uploaded into Wastebin.

**REVISION HISTORY TABLE**

<b>Revision Number</b>	<b>Date</b>	<b>Brief Summary of Change</b>
0	12/09/22	Initial