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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Underground Storage Tanks and Solid Waste Disposal Control Board
Division:	Land Protection
Contact Person:	Brian Wolf
Address:	Davy Crockett Tower, 7th Floor 500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	615-946-7772
Email:	Brian.Wolf@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	Davy Crockett Tower, 6th Floor 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Ask.tdec@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room 1-B		
Address 2:	Davy Crockett Tower 500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	12/10/2026		
Hearing Time:	10:00 AM	_X_CST/CDT ___EST/EDT	

Alternate Hearing Option

Method 1:	**You may also join electronically.** **Join by going to this link:** **https://tn.webex.com/tn/j.php?MTID=m0cc09b8cb693267537d5a3ee26e2b510** **Meeting number (access code): 2305 796 9524** **Meeting password: 8k88U7H7vDa (85888747 when dialing from a phone or video system)**
Method 2:	***Join by phone*** ***+1 615-747-4911 Webex Call-In*** ***+1-415-655-0001 US Toll*** ***Access code:* 2305 796 9524**

Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Ellen Sherril at (615) 532-0105 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Ellen Sherril at (615) 532-0105 o tdec.titlevi@tn.gov para obtener más información.

The Tennessee Department of Environment and Conservation (Department) is proposing amendments to Rule 0400-11-01-.09 to implement recent statutory changes to Tennessee's solid waste planning framework enacted through Public Chapter 814 (2026). The statutory change clarifies the Department's responsibility to approve or disapprove regional solid waste management plans based on compliance with applicable law and requires the Underground Storage Tanks and Solid Waste Disposal Control Board (Board) to promulgate rules establishing criteria for the Department's review of those plans. The legislation also requires solid waste planning regions to submit new or revised regional plans to the Department for review by July 1, 2028.

The amended rule retitles Rule 0400-11-01-.09 from "Waste Reduction and Planning" to "Regional Solid Waste Management Plans" and establishes the procedures and criteria necessary for the preparation, submission, review, approval, implementation, revision, and evaluation of regional solid waste management plans. The rule establishes:

- Requirements for regional solid waste board composition, meetings, records, and Department notification;
- Minimum content requirements for regional solid waste management plans;
- Requirements for plan submission in a format and manner prescribed by the Department;
- Procedures for administrative completeness review;
- Criteria for evaluating whether regional plans comply with the statute, are consistent with the State Solid Waste Management Plan, accurately represent the regional solid waste system, and demonstrate a feasible approach to implementation;
- Procedures for approval, disapproval, resubmittal, and appeal of regional plans; and
- Requirements for plan updates and revisions when material changes occur.

The rulemaking is intended to align the State Solid Waste Management Plan, regional planning requirements, and Department review processes so that regional plans are evaluated consistently across the state and provide a reliable basis for long-term solid waste capacity planning, waste reduction, recycling, disaster debris management, and regional implementation activities.

An initial set of draft rules has been prepared for public review and comment. The draft rules may be accessed for review at https://www.tn.gov/environment/ppo/waste.html.

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of Land Protection Attention: Brian Wolf; Davy Crockett Tower, 7th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243; or Brian.Wolf@tn.gov. However, such written comments must be received by 4:30 PM CST, December 10, 2026, to assure consideration. For further information, please contact Brian Wolf at the above address or by e-mail at Brian.Wolf@tn.gov.

Revision Type (check all that apply):

_X_ Amendment
____ New
____ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-11-01	Solid Waste Processing and Disposal
Rule Number	**Rule Title**
0400-11-01-.09	Waste Reduction and Planning

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to https://sos.tn.gov/publications/services/rulemaking-guidelines.

Chapter 0400-11-01
Solid Waste Processing and Disposal

Amendments

The table of contents for Chapter 0400-11-01 Solid Waste Processing and Disposal is amended by changing the title for Rule 0400-11-01-.09 from "Waste Reduction and Planning" to "Regional Solid Waste Management Plans."

Authority: T.C.A. §§ 4-5-201, et seq, 68-211-101 et seq., 68-211-601 et seq., and 68-211-801, et seq.

Rule 0400-11-01-.09 Waste Reduction and Planning is amended by deleting it in its entirety and substituting instead the following:

0400-11-01-09 Regional Solid Waste Management Plans.

(1) Purpose and Scope.

(a) This rule establishes the requirements and procedures for the preparation, submission, review, approval, implementation, revision, and evaluation of regional solid waste management plans, including annual progress reporting and waste reduction and recycling assessment activities.

(b) This rule implements T.C.A. Title 68, Chapter 211, Part 8 by providing a framework for regional solid waste planning, evaluating regional progress toward waste reduction and recycling goals, and ensuring sufficient solid waste management capacity throughout the state.

(c) This rule applies to all regional solid waste plans, plan revisions, annual progress reports, and related information submitted pursuant to T.C.A. §§ 68-211-813 through 68-211-815.

(d) Consistent with T.C.A. § 68-211-861, municipal solid waste regions shall identify and implement waste reduction and recycling activities designed to support achievement of the statutory waste reduction goal. Progress toward such goal shall be measured using methodologies established by the Department and approved by the Board, where required by law.

(e) Pending fund availability, the Department may provide funding or technical assistance to assist local governments and regions with regional solid waste management plan activities.

(2) Regional Solid Waste Board Composition and Meeting Requirements.

(a) Each municipal solid waste region shall have a board to administer the activities of the region in accordance with T.C.A. § 68-211-813.

(b) The board of each municipal solid waste region shall consist of an odd number of members, not less than five nor more than 15.

(c) Each county that is a member of a municipal solid waste region shall be represented by at least one member on the board.

(d) Each municipality within the region that provides solid waste collection services or solid waste disposal services, directly or by contract, shall be represented on the board.

(e) Municipalities entitled to representation on the board may agree to joint or multiple representation by a board member or may agree to have a county member represent one or more municipalities, provided that all local governments sharing representation agree to such arrangement. Any agreement for joint or multiple representation shall specify the method of appointment for the

member representing more than one local governmental entity.

(f) Members of the board shall be appointed by the county mayors and municipal mayors, respectively, of the counties and eligible municipalities within the region, and such appointments shall be approved by the legislative or governing bodies of the respective counties and eligible municipalities.

(g) Members of county and municipal governing bodies, county mayors, municipal mayors, county and municipal officers, and department heads may serve as members of the board, consistent with T.C.A. § 68-211-813.

(h) The county and municipal mayors, and any other appointing authorities, shall strive to ensure that at least two elected officials serve on each regional board.

(i) Members of the board shall serve for terms of six years or until their successors are appointed and qualified. Initial appointments shall be staggered so that approximately one-third of the members serve initial terms of two years and approximately one-third of the members serve initial terms of four years.

(j) For a municipal solid waste region consisting of counties having a population of less than 200,000, according to the 1990 federal census or any subsequent federal census, appointments shall be made so that at least 30% of the membership shall consist of members who own at least a 50% equitable or fee simple interest in land that is eligible for classification as agricultural, forest or open space land under the terms of the Agricultural, Forest and Open Space Land Act of 1976, compiled in title 67, chapter 5, part 10.

(k) The board shall establish a regional municipal solid waste advisory committee. The composition of the advisory committee shall be determined by the board.

(l) The board shall elect a chair from its members annually.

(m) The board shall meet at least annually and as otherwise necessary to administer the activities of the region, review implementation of the approved regional solid waste management plan, consider plan revisions, review annual progress reports, and perform any other duty required by T.C.A. Title 68, Chapter 211, Part 8 or this rule.

(n) The board shall maintain records of its meetings, including meeting dates, members present, matters considered, and actions taken. Such records shall be made available to the Department upon request.

(o) The board shall provide the Department with a current list of board members, including each member's appointing authority, represented jurisdiction or entity, mailing address, telephone number, email address, term of office. The list shall also identify any vacancies. The board shall submit updated information to the Department when membership changes occur.

(p) A board member shall not participate in a decision in which the member has a direct substantial financial interest or where participation would otherwise be prohibited by applicable law.

(q) Any county that has a solid waste authority, not organized pursuant to T.C.A. Title 68, Chapter 211, Part 9 and in existence on July 1, 1991, may designate such authority as the board to administer the activities of the region, if such county chooses to be a region unto itself. The legislative body of the county and of each municipality that provides solid waste collection services or solid waste disposal services in the region shall approve such designation by the passage of an approprate resolution.

(r) Nothing in this paragraph shall alter the requirements of T.C.A. § 68-211-813 or other applicable law governing the establishment, composition, appointment, or authority of municipal solid waste regional boards.

(3) Plan Content Requirements.

(a) Each regional plan and any revised plan submitted by a municipal solid waste region pursuant to T.C.A. § 68-211-815 shall be consistent with the state solid waste plan, with T.C.A. Title 68, Chapter 211, Part 8, with all other applicable law and any regulation promulgated by the Board.

(b) Each regional plan shall address a 10-year planning horizon.

(c) At a minimum, each regional plan and any revised regional plan submitted by a municipal solid waste region shall include the following:

1. Demographic information;

2. Analysis of the current system, including:

   (i) Waste streams, including data concerning types and amounts generated;

   (ii) Collection capability, including data detailing the different types of collection systems and the populations and areas that receive and do not receive such services;

   (iii) Disposal capability, including analysis of the remaining life expectancy of landfills or other disposal facilities;

   (iv) Costs, using the full-cost accounting model developed by the Commissioner, including costs of collection, disposal, maintenance, contracts, facilities costs, and all other applicable costs; and

   (v) Revenues, including cost reimbursement fees, appropriations and any other revenue sources;

3. Adoption of the uniform financial accounting system required by T.C.A. § 68-211-874;

4. Anticipated growth trends for the next ten-year period;

5. Anticipated waste capacity needs for the duration of the plan;

6. Planned capacity assurance, including descriptions of planned or needed facilities for all types of solid waste generated with the region;

7. A recycling plan, including a description of current public and private recycling efforts and planned efforts to enhance recycling within the county or region;

8. A plan for the disposal of household hazardous wastes;

9. Adoption of uniform reporting requirements as required by T.C.A. Title 68, Chapter 211, Part 8;

10. A description of waste reduction and recycling activities designed to attain the goal required by T.C.A. § 68-211-861;

11. A description of education initiatives aimed at businesses, industries, schools, citizens and others, that addresses recycling, waste reduction, collection and other goals of T.C.A. Title 68, Chapter 211, Part 8;

12. An evaluation of single and multi-county solid waste region options with an explanation of the reasons for adopting or failing to adopt a multi-county regional approach;

13. A timetable for implementation of the plan;

14. A description of the responsibilities of the various participating jurisdictions;

15. A certification from the region's T.C.A. Title 68, Chapter 211, Part 9 solid waste authority, if such an authority has been formed, or if no such authority has been formed, the county legislative body of each county in the region that they have reviewed and approved of the region's plan or revised plan;

16. A plan for managing solid waste generated as a result of disasters or emergencies; and

17. Any other information as the Department may deem relevant to the implementation of T.C.A. Title 68, Chapter 211, Part 8.

(4) Submission Process.

(a) Plans shall be submitted in a format and manner prescribed by the Department.

(b) Plans shall be submitted through Department-approved systems.

(c) Plans shall include all required documentation.

(5) Administrative Completeness Review.

(a) After receiving a plan, the Department shall notify the region in writing within 30 days whether the plan includes all of the information required by T.C.A. § 68-211-815, and if not, identify all additional required information.

(b) A plan is complete if:

1. All required sections are included;

2. All required data and documentation are provided; and

3. The plan is organized and internally consistent.

(c) If the Department determines a plan is incomplete, the Department shall provide the region with a written notice of incompleteness identifying the missing or incomplete elements of the plan.

(d) Upon notification of incompleteness, the region shall submit to the Department all required information to make the plan complete within 60 days.

(e) The 30-day administrative completeness review under subparagraph (a) of this paragraph shall be stayed if:

1. The region requests that review be suspended; or

2. The Department issued a written notice of incompleteness and the region has not yet adequately addressed that notice of incompleteness.

(f) The Department’s determination that a plan is administratively complete means the plan includes all required elements, not that the plan complies with all applicable substantive requirements or is entitled to approval.

(6) Regional Plan Evaluation Criteria.

(a) The Department shall approve or disapprove the plan based on compliance with T.C.A. § 68-211-815 and the criteria established pursuant to this paragraph within 120 days after receipt of a complete plan.

(b) The Department shall evaluate whether the plan:

1. Complies with applicable statutory requirements;

2. Is consistent with the statewide solid waste management plan. While not necessarily

having identical programs, policies, or implementation measures where regional conditions support alternative approaches, regional plans shall;

(i) Identify the goals, objectives, priorities, recommendations, and strategies of the State Plan that are applicable to the region;

(ii) Describe how the region's proposed programs, facilities, services, and implementation measures support or further the applicable goals, objectives, priorities, and strategies of the State Plan;

(iii) Use data, assumptions, projections, and planning methods that are consistent with the State Plan, except where the region demonstrates that different data, assumptions, projections, or methods are warranted based on region-specific conditions;

(iv) Address regional solid waste management needs in a manner reasonably aligned with statewide planning objectives;

(v) Identify any material differences between the regional plan and applicable provisions of the State Plan;

(vi) Identify regional conditions affecting implementation of State Plan recommendations or priorities; and

(vii) Provide a reasonable explanation and supporting documentation for any material differences, including any region-specific conditions affecting implementation of State Plan recommendations or priorities.

3. Provides a complete and accurate representation of the regional system;

4. Demonstrates a credible and feasible approach to implementation;

5. Uses data that is reliable and current; and

6. Uses assumptions that are reasonable and supported.

(c) Evaluation of Specific Plan Elements.

1. The Department shall evaluate the plan's demographic information, including whether:

(i) The plan includes accurate, current population estimates for the region;

(ii) The plan includes a sufficient description of the methodology used to develop the population estimates and other demographic information reported;

(iii) Demographic data is derived from reliable and, where possible, publicly-available sources including but not limited to:

(I) U.S. Census Bureau;

(II) Tennessee State Data Center or other state-approved projections; and

(III) Other governmental or regional planning sources.

2. The Department shall evaluate whether the plan includes a complete, accurate, and data-supported analysis of the current solid waste management system within the region.

(i) The Department shall evaluate the plan's waste stream information, including whether:

(I) The plan identifies the types of solid waste generated within the region, i.e., residential, commercial, and industrial non-hazardous waste destined for Class I disposal and waste destined for Class II or Class III;

(II) The plan identifies commercial and industrial activity within the region, including major sectors or generators where reasonably available, and explains how such activity was considered in developing waste generation estimates and projections;

(III) The plan includes quantitative estimates of the amounts of each type of solid waste generated, expressed in tons per year where practicable;

(IV) Data sources are identified and are current, reliable, and appropriate to the region; and

(V) The analysis reflects regional conditions and is not based solely on generalized or statewide data.

(ii) The Department shall evaluate the plan's collection capability information, including whether:

(I) The plan describes the types of collection systems utilized within the region, including public and private systems;

(II) The plan identifies the geographic areas and populations served by each type of collection system;

(III) The plan identifies areas or populations that do not receive collection services, where such information is reasonably available; and

(IV) The description of collection capability is sufficiently detailed to support evaluation of service coverage and system performance.

(iii) The Department shall evaluate the plan's disposal capability information, including whether:

(I) The plan identifies the solid waste transfer and disposal facilities used by the region and quantifies the volume of material planned for transport through, or disposal at, each;

(II) The plan provides information on the permitted throughput and remaining permitted capacity or life expectancy of such facilities, where available;

(III) The information provided is based on current and reliable data; and

(IV) The analysis provides a reasonable understanding of the current disposal capacity utilized by the region.

(iv) The Department shall evaluate the plan's cost analysis, including whether:

(I) The plan utilizes the uniform financial accounting system required by the Department.

(II) The plan includes all major cost categories, including but not limited to collection, disposal, maintenance, contracts, and administrative costs. Contract information shall include, but not limited to municipal or county contracts of obligation as defined in part (3)(d)5. of Rule 0400-11-01-.03 if a municipality or county within the solid waste region has filed a Contract of Obligation to meet financial assurance requirements set forth in Rule 0400-11-01-.03.

(III) Cost information is complete, consistently presented, and reflective of current system operations; and

(IV) The methodology used to develop cost information is adequately described, accurate, and reasonable.

(v) The Department shall evaluate the plan's revenue information, including whether:

(I) The plan identifies all major sources of revenue supporting the solid waste management system, including but not limited to fees, appropriations, and other funding sources;

(II) Revenue information is quantified to the extent reasonably available;

(III) The plan demonstrates a reasonable relationship between system revenues and costs; and

(IV) The plan identifies any significant funding gaps or limitations, where applicable.

3. The Department shall evaluate whether:

(i) The solid waste region has adopted the uniform financial accounting system required by T.C.A. § 68-211-874; and

(ii) Financial information in the plan is presented using the categories and structure established by the Department.

4. The Department shall evaluate the plan's analysis of anticipated growth trends for the next ten-year period, including whether:

(i) The plan includes accurate, current population estimates and projected population for the 10-year planning period;

(ii) Growth projections are based on reliable and reasonably current data sources, including publicly available data where possible;

(iii) Data sources are identified and include, where available, sources such as the U.S. Census Bureau, Tennessee State Data Center, or other governmental or regional planning sources;

(iv) Where alternative or locally developed projections are used, the plan includes a description of the methodology and supporting documentation sufficient to evaluate the reasonableness of such projections;

(v) The plan identifies relevant demographic, economic, or development trends that may affect solid waste generation;

(vi) Growth trends are quantified where reasonably feasible and not presented solely as narrative descriptions;

(vii) The plan demonstrates how anticipated growth trends are used to support projections of waste generation; and

(viii) Growth projections are reasonable and consistent with other elements of the plan, including waste generation estimates and capacity planning analyses.

5. The Department shall evaluate the plan's analysis of anticipated waste capacity needs, including whether:

(i) The plan includes accurate projections of the quantity of solid waste expected to be generated within the solid waste region over the 10-year planning period;

(ii) The plan incorporates and adequately addresses the municipal solid waste planning district needs assessment prepared as required by T.C.A. §68-211-811;

(iii) Waste generation projections are based on historical data, anticipated growth trends, and other relevant factors affecting waste generation;

(iv) The plan identifies existing disposal capacity available to the region, including facilities currently used and their remaining permitted capacity or life expectancy, where available;

(v) The plan includes a quantitative comparison of projected waste generation and available disposal capacity;

(vi) The analysis demonstrates whether sufficient capacity exists to manage projected waste for the planning period;

(vii) The plan identifies the timing and magnitude of any anticipated capacity shortfalls, where applicable; and

(viii) The analysis is reasonable, supported by data, and consistent with other elements of the plan, including growth trends and capacity assurance.

6. The Department shall evaluate the plan's planned capacity assurance, including whether:

(i) The plan identifies the solid waste facilities, such as transfer stations, convenience centers, and disposal facilities that will be used to manage waste generated within the region during the planning period;

(ii) The plan provides sufficient information regarding solid waste facilities, including location, type, and remaining permitted capacity or life expectancy, where available;

(iii) The plan demonstrates that the region has reasonable and reliable access to sufficient capacity to manage projected waste for the 10-year planning period;

(iv) The plan includes documentation or other supporting information demonstrating access to such capacity, which may include contracts, agreements, historical usage patterns, or other evidence;

(v) The plan identifies any planned or needed facilities, expansions, or alternative arrangements necessary to ensure adequate capacity and the timing of such requirements;

(vi) The plan includes contingency strategies to address potential disruptions in capacity, including but not limited to facility closure, reduced availability, or increased demand;

(vii) The plan describes how the region intends to address identified capacity needs or shortfalls;

(viii) The assumptions regarding facility availability and waste flows are reasonable and consistent with other elements of the plan, including anticipated waste capacity needs; and

(ix) The analysis is reasonable, supported by data, and consistent with other elements of the plan, including growth trends and capacity assurance.

7. The Department shall evaluate the recycling plan, including whether:

(i) The plan includes a description of existing recycling efforts within the region, including public sector programs, and private sector activities, to the extent information is reasonably available;

(ii) The plan identifies the types of recycling programs in use, including collection methods such as curbside, drop-off, or other systems;

(iii) The plan describes the geographic areas and populations served by recycling programs and identifies areas or populations that do not have access to such services, where such information is reasonably available;

(iv) The plan identifies the types of materials accepted and processed through recycling programs, where such information is reasonably available;

(v) The plan includes available data or reasonable estimates regarding recycling activity or performance;

(vi) The plan identifies challenges, barriers, or gaps affecting recycling within the region;

(vii) The plan describes specific actions or strategies intended to enhance recycling, which may include expanding access, improving program effectiveness, increasing participation, or other appropriate measures;

(viii) The plan describes how the county or region is complying, or will comply, with collection site requirements specified in T.C.A. § 68-211-863;

(ix) The proposed actions are reasonable, feasible, and appropriate to regional conditions; and

(x) The recycling plan is consistent with and supports other elements of the plan, including waste reduction activities, education initiatives, and system analysis.

8. The Department shall evaluate the household hazardous waste plan, including whether:

(i) The plan includes a description of existing household hazardous waste management programs within the region, including how it is collected (such as, permanent facilities, mobile collection events, or regional programs), transported, managed, and the roles of participating jurisdictions, contracts, or other entities;

(ii) The plan identifies the types of household hazardous waste materials accepted through such programs, where such information is reasonably available;

(iii) The plan identifies the geographic areas and populations with access to household hazardous waste collection services and identifies areas or populations with limited or no access, where such information is reasonably available;

(iv) The plan identifies challenges, limitations, or gaps in household hazardous waste management within the region;

(v) The plan describes planned actions to improve household hazardous waste management, including efforts to expand access, improve program effectiveness, or enhance participation;

(vi) The proposed actions are reasonable, feasible, and appropriate to regional conditions; and

(vii) The household hazardous waste plan is consistent with other elements of the regional plan, including education initiatives and system analysis.

9. The Department shall evaluate the plan's reporting requirements, including whether:

(i) The region has adopted and is complying with uniform reporting requirements established by the Department;

(ii) Required reports are submitted in accordance with Department requirements, including applicable timelines and formats; and

(iii) The region utilizes Department-approved reporting systems, including electronic systems designated by the Department.

10. The Department shall evaluate the plan's waste reduction and recycling analysis, including whether:

(i) The plan identifies the applicable statutory waste reduction and recycling goal established by T.C.A. § 68-211-861;

(ii) The plan identifies that the goal of the state is to reduce by 25% the amount of solid waste disposed of at the municipal solid waste disposal facilities and incinerators, as measured on a per capita basis within Tennessee by weight;

(I) The goal shall also apply to each municipal solid waste region but does not apply to individual facilities or incinerators;

(II) Individual disposal facilities or incinerators are used only as measurement locations for assessing the achievement of a region's waste reduction efforts; and

(III) As an alternative to calculating the waste reduction goal on a per capita basis, regions shall have the option of calculating the goal on an economic growth basis using the method prescribed by the Department and approved by the Underground Storage Tanks and Solid Waste Disposal Control Board;

(iii) The plan applies the 25% goal to only the waste that has been going to Class I landfills or municipal solid waste incinerators. Measurements of waste are to be based on the amount of waste entering a disposal facility prior to combustion or landfilling. Materials recovered or collected for recycling at these facilities prior to combustion or landfilling shall be weighed and deducted from the total amount being disposed;

(iv) The plan presents its calculation of the 25% reduction on a per capita basis or economic growth basis to be prescribed by the Department in accordance with subpart (ii) of this part;

(v) The plan utilizes the base year of 1995 for measuring waste reduction unless a region can demonstrate that the 1995 data is clearly in error. A region may receive credit toward the waste reduction goal from recycling and source reduction programs prior to 1995, but no earlier than 1985. The region shall notify in writing the Department of such an error and request approval of any adjustment to the 1995 data;

(vi) The plan applies the following restrictions and guidance:

(I) Local governments are best suited to design, implement, and manage landfill bans and material redirection at the point of collection, due to the dynamic nature of solid waste, waste streams, and its infrastructure, the variety and availability of local markets, local geography and topography.

(II) Materials received at a Class III or Class IV landfill are not considered as waste reduction unless the materials are recycled or used for other

approved beneficial use activities.

(III) Only the portion of composted municipal solid waste that is sold or beneficially used may be counted as waste reduction towards the goal.

(IV) Only the portion of mulch made from municipal solid waste that is sold or beneficially used may be counted as waste reduction towards goal.

(V) Recycling constitutes a method of waste reduction so long as the recovered materials are marketed for recycling or are stored for recycling at a solid waste management facility and at least 75% of the stored material must be marketed within the succeeding 12 months. The following processes shall not be considered as marketing of recyclable materials nor counted toward the goal:

I. Collection or material handling in preparation for buyers pending market sales; and

II. Unprocessed municipal solid waste is not considered as being recyclable pending market;

(VI) Materials redirected for energy recovery and production shall be considered waste reduction.

I. To calculate the tons of waste reduction the following formula shall apply:
$T^i - T^o = T^d$
Where:
T^i = tons of municipal solid waste material input into the energy recovery system;
T^o = tons of residual material output from the energy recovery system sent for disposal; and
T^d = tons diverted for energy recovery.

II. Waste incinerated where the primary purpose is not energy recovery is not considered waste reduction.

III. Residuals from wood wastes reduced in a pit burner or air curtain destructor are not considered waste reduction unless diverted from disposal or otherwise beneficially used in accordance with the Department's beneficial use policy;

(VII) The diversion of waste tires, used oil, lead-acid batteries, paints and other problem waste, as determined and identified by the Department, from a Class I disposal facility for recycling constitutes waste reduction; and

(VIII) The Department shall evaluate new technologies, as they are presented to the Department, to determine their applicability towards waste reduction efforts for the regions in meeting the goal;

(vii) The plan describes specific waste reduction and recycling activities to support progress toward the statutory goal;

(viii) The proposed activities are based on current conditions and identified gaps within the region;

(ix) The plan describes how proposed activities are expected to contribute to waste reduction or increased recycling;

(x) The proposed activities are reasonable, feasible, and appropriate to regional conditions, including available resources and infrastructure;

(xi) The plan demonstrates a logical connection between proposed activities and anticipated improvements in waste reduction or recycling; and

(xii) The waste reduction and recycling activities are consistent with other elements of the plan, including the recycling plan, education initiatives, and system analysis.

11. The Department shall evaluate the plan's education initiatives, including whether:

(i) The plan's target audience for education initiatives includes businesses, industries, schools, citizens, and other relevant groups within the region;

(ii) The plan describes specific education and outreach initiatives designed to address recycling, waste reduction, collection systems, and proper waste management practices;

(iii) The plan identifies the methods by which education initiatives will be delivered, which may include digital outreach, printed materials, community events, school programs, or other appropriate approaches;

(iv) The plan demonstrates how education initiatives are designed to support and improve participation in recycling programs, waste reduction efforts, and proper use of collection systems;

(v) The plan identifies the entities responsible for implementing education initiatives within the region;

(vi) The proposed education initiatives are reasonable, feasible, and appropriate to regional conditions; and

(vii) The education initiatives are consistent with other elements of the plan, including the recycling plan, waste reduction activities, and household hazardous waste management.

12. The Department shall evaluate the plan's evaluation of regional disposal options, including whether:

(i) The plan includes a meaningful evaluation of multi-county regional solid waste management options applicable to the region;

(ii) The plan considers potential regional approaches, which may include shared disposal facilities, transfer or processing facilities, collection systems, or other cooperative arrangements;

(iii) The plan evaluates the feasibility of regional approaches, to waste management, considering operational, financial, geographic, and infrastructure-related factors;

(iv) The plan identifies potential benefits and challenges associated with multi-county regional approaches;

(v) The plan clearly states whether a single county or multi-county regional approach is being adopted or not adopted;

(vi) The plan provides a reasoned explanation supporting the decision of whether to adopt a single county or multi-county regional approach, based on regional conditions and the analysis performed; and

(vii) The evaluation is relevant to the region and not based solely on generalized conclusions.

13. The Department shall evaluate the plan's implementation timetable, including whether:

(i) The plan includes a timetable that identifies key actions necessary to implement the plan;

(ii) The timetable specifies timeframes to implement such actions, organized either by year or by phases within the 10-year planning period;

(iii) The timetable is clearly organized and presented in a manner that clearly sets out the sequence and timing of actions;

(iv) The timetable reflects logical sequencing of activities, including dependencies between actions where applicable;

(v) The proposed timeframes are reasonable and achievable based on available resources and regional conditions; and

(vi) The timetable is consistent with other elements of the plan, including funding, capacity planning, and program implementation.

14. The Department shall evaluate whether the plan adequately addresses the responsibilities of participating jurisdictions, including whether:

(i) The plan identifies all participating jurisdictions and entities involved in solid waste management within the region, including counties, municipalities, private waste management entities operating in the region, and other relevant entities;

(ii) The plan clearly describes the responsibilities of each participating jurisdiction or entity for solid waste management functions, including but not limited to collection, recycling, disposal, household hazardous waste management, education and outreach, and data reporting;

(iii) The plan demonstrates that no significant gaps exist in solid waste management functions for the solid waste region, or includes actions to address any such existing gaps;

(iv) The plan describes coordination among participating jurisdictions, including any shared responsibilities or cooperative arrangements; and

(v) The assigned responsibilities are consistent with other elements of the plan, including the implementation timetable, funding considerations, and program descriptions.

15. The Department shall evaluate the plan's coordination with T.C.A. Title 68, Chapter 211, Part 9, including whether:

(i) The regional plan identifies whether a T.C.A. Title 68, Chapter 211, Part 9 authority has been established;

(ii) Where a solid waste authority has been established pursuant to Title 68, Chapter 211, Part 9, certification of plan approval is provided by such authority in the form of official documentation, such as a resolution, certification statement, or other formal approval document;

(iii) Certification documentation includes the name of the approving body, the date of approval, and appropriate signatures or official authorization;

(iv) Certification demonstrates that the plan submitted to the Department has been reviewed and approved by the T.C.A. Title 68, Chapter 211, Part 9 authority; and

(v) The certification is complete and includes all required jurisdictions within the region.

16. The Department shall evaluate the plan's emergency and disaster debris management plan, including whether:

(i) The plan includes a description of the region's approach to managing solid waste generated by disasters or emergencies, including collection, processing, and disposal of debris;

(ii) The plan describes coordination with local and state emergency management agencies and explains how the solid waste management plan aligns with applicable emergency management plans;

(iii) The plan identifies the roles and responsibilities of participating jurisdictions and entities for debris management activities, including removal, site management, contracting, and oversight;

(iv) The plan identifies potential temporary debris management sites or describes criteria for selecting such sites;

(v) The plan describes operational procedures for handling, staging, processing, transporting, and disposing of disaster-related waste;

(vi) The plan addresses the availability of resources, including equipment, personnel, and the use of contractors or pre-event contracts, where applicable;

(vii) The plan describes how debris quantities and activities will be tracked and documented, including for purposes of compliance with applicable requirements or reimbursement programs; and

(viii) The proposed approach is reasonable, feasible, and appropriate to the region and consistent with other elements of the plan, including capacity and coordination among jurisdictions.

17. The Department shall evaluate additional information provided in the plan, including whether:

(i) The region has provided any additional information requested by the Department that is necessary to evaluate the plan and ensure effective implementation of solid waste management within the region;

(ii) The information provided addresses identified gaps, deficiencies, or areas requiring clarification;

(iii) The information provided is relevant to the requirements of this part and supports evaluation of the plan; and

(iv) The region has responded to Department requests for additional information in a complete and timely manner.

(7) Review Process.

(a) Upon determining that a plan is complete per paragraph (5) of this rule, the Department shall conduct a detailed review and notify the region within 120 days whether the plan is approved or disapproved.

(b) The Department shall evaluate each plan for:

1. Consistency with the State Plan; and

2. Compliance with the criteria in paragraph (6) of this rule.

(c) If the Department determines the plan is deficient, the Department shall notify the solid waste region of the deficiencies.

(d) When notified of deficiencies, the solid waste region shall submit all required information within 60 days of receipt of notification.

(e) The 120-day review and notification time period in subparagraph (a) of this paragraph shall be stayed if:

1. The applicant requests that review be suspended; or

2. The Department issues a written notice of deficiency and until the region adequately addresses said deficiencies.

(8) Approval and Disapproval.

(a) The Department shall approve a plan if:

1. It complies with statutory requirements; and

2. It satisfies the evaluation criteria established in this rule.

(b) The Department shall disapprove a plan if:

1. It does not contain the information required by T.C.A. § 68-211-815;

2. It does not satisfy the requirements of this rule;

3. It contains material inaccuracies, omissions, or unsupported information;

4. If fails to address deficiencies identified by the Department during review; or

5. It does not demonstrate a feasible approach to implementation.

(c) If a plan is disapproved, the Department shall provide a written notice identifying the deficiencies and the revisions necessary for approval.

(9) Failure to Submit an Adequate Plan.

(a) If a municipal solid waste region fails to submit an adequate plan in a timely fashion or if the Commissioner does not approve any plan submitted to it, or for any other noncompliance with a provision of this rule, then the Commissioner shall impose the following sanctions, as appropriate, on the noncompliant county or region:

1. On the first instance of noncompliance, the Commissioner shall issue a letter of warning to the noncompliant county or region indicating the reasons for noncompliance, setting forth the sequence of graduated sanctions for noncompliance and offering technical assistance to remedy the causes of noncompliance.

2. Any noncompliance shall be resolved as soon as possible. If noncompliance continues for 30 days after receipt of the warning letter, the noncomplying county or region shall lose eligibility for funds from the solid waste management fund, unless the Commissioner states in writing that, due to particular circumstances, a longer time is appropriate.

3. If noncompliance continues for 60 days after receipt of the warning letter, then, in addition to any other penalty imposed by law, the Commissioner may impose a civil penalty of not more than $5,000 for each day of noncompliance beyond the 60-day period.

(b) Any civil penalty shall be assessed in the same manner as provided in T.C.A. § 68-211-117(b). Any penalty collected pursuant to this paragraph shall be deposited in the solid waste management fund.

(c) Any person who violates T.C.A. § 68-211-608, 68-211-866(a), or 68-211-867(d) shall be subject to the penalties provided for in T.C.A. § 68-211-117.

(10) Plan Updates and Revisions.

(a) Each municipal solid waste region shall review its approved regional solid waste management plan on an ongoing basis during the ten-year planning period and shall determine whether changes in law, policy, facilities, programs, waste flows, capacity, funding, or other material conditions affect the region's ability to implement the approved plan.

(b) A region shall submit a revised plan, or such portions of the plan as the Department determines necessary, when a material change occurs that affects the accuracy, implementation, or continued adequacy of the approved plan.

(c) Material changes requiring submission of a revised plan may include:

1. Loss of access to, closure of, expiration of contractual access to, or substantial reduction in available capacity at a transfer, processing, recycling, disposal, or other solid waste management facility identified in the approved plan;

2. A change in the facilities or methods by which solid waste generated within the region will be collected, transferred, processed, recycled, disposed of, or otherwise managed, when such change materially affects the region's capacity assurance or implementation strategy;

3. A change in the composition of the region, participating jurisdictions, or responsibilities of participating jurisdictions that affects implementation of the approved plan;

4. Adoption, amendment, or revision of the State Solid Waste Plan where the approved regional plan is no longer consistent with applicable State Plan goals, objectives, priorities, recommendations, assumptions, or strategies;

5. A change in the applicable waste reduction or recycling goal, measurement methodology, reporting requirement, or other requirement of T.C.A. Title 68, Chapter 211, Part 8 or this rule; or

6. Any other change in condition the Department determines may materially affect implementation of the approved plan or the region's ability to satisfy T.C.A. § 68-211-815.

(d) A revised plan shall identify the portions of the approved plan affected by the material change, describe the change, explain the effect of the change on plan implementation, and provide updated information, data, assumptions, schedules, certifications, or other documentation necessary for the Department to evaluate the revision.

(e) A revised plan submitted under this paragraph shall be subject to the submission, completeness review, evaluation, approval, disapproval, and appeal procedures applicable to regional solid waste management plans under this rule, unless the Department determines that a limited review is appropriate based on the scope of the revision.

(f) Routine updates provided through annual progress reports, including status updates, implementation milestones, minor program adjustments, or updated data that do not materially affect the approved plan, shall not by themselves require submission of a revised plan unless the Department determines that the information demonstrates a material change under this paragraph.

(11) Appeals.

(a) Regions may appeal a disapproval by filing a written petition in accordance with T.C.A. § 68-211-113(a)(1) within 30 days of receiving the letter of disapproval. The petition shall set forth the grounds and reasons for the region's objections to the Commissioner's disapproval, and request a hearing before the Board. Any disapproval of such plans shall become final and not subject to

review unless such petition for a hearing before the Board is filed no later than 30 days after the notice of disapproval is served.

(b) Appeal petitions should be filed by electronic mail at TDEC.Appeals@tn.gov. Persons filing an appeal by electronic mail to this address do not need to send a paper copy. Although filing by electronic mail is strongly encouraged, appeals may also be filed by mail or delivery to the Department, c/o Office of General Counsel, Davy Crockett Tower, 5th Floor, 500 James Robertson Parkway, Nashville, TN 37243.

(12) Annual Progress Reports.

(a) Each solid waste region shall submit an annual progress report to the Department in a format and manner prescribed by the Department.

(b) The annual progress report shall describe the actions taken by the region during the preceding reporting period to implement the approved regional plan.

(c) Each region shall submit its annual progress report by March 31 in the calendar year immediately following the reporting year. Additional time may be granted by the Department for good cause shown.

(d) At a minimum, the annual progress report shall include:

1. Data on waste and recyclables collection, transportation, and disposal, including public costs;

2. A summary of activities undertaken to implement the approved regional plan;

3. Progress made toward implementation of the goals, objectives, and strategies identified in the approved regional plan;

4. Information regarding any significant changes to the region's solid waste management system, including facilities, programs, services, or funding mechanisms;

5. Any challenges, barriers, or circumstances that have affected implementation of the approved regional plan;

6. Any other information the Department determines is necessary to evaluate implementation of the approved regional plan.

(e) Information submitted in an annual progress report shall be true, accurate, and complete to the best knowledge and belief of the submitting region.

(f) The Department may utilize information submitted in annual progress reports when evaluating plan implementation, future plan revisions, compliance with reporting requirements, and progress toward the goals and objectives of T.C.A. Title 68, Chapter 211, Part 8.

(13) Quality Assessment of the Twenty-Five Percent Recycling Goal and Noncompliance.

(a) A qualitative assessment, as defined below, will be applied to municipal solid waste regions that fail to meet the goal of 25% waste reduction and diversion based on data from the region's Annual Progress Report and any other data the Commissioner determines appropriate. The qualitative assessment will objectively evaluate the activities and expenditures of both the municipal solid waste region and the local governments in the region to determine whether the region's program is qualitatively equivalent to other regions similar in population and socio-economic level that meet the goal and whether the failure is due to factors beyond the control of the region.

(b) The Department shall evaluate the programs in those regions that do not satisfy this rule to determine if they are qualitatively equivalent to those that meet the 25% waste reduction and diversion goal.

(c) Noncompliance Procedures.

1. Review of solid waste regions identified to be qualitatively assessed by the Department shall be accomplished through the following methodology:

(i) The Department will use the Annual Progress Report and any other data the Commissioner determines appropriate to determine whether 25% of the solid waste generated in that reporting year was either diverted from Class I facilities or recycled. If it was, the region meets the goal, and the Department does not proceed to the next step. The region is considered qualitatively equivalent.

(ii) Regions that are not found qualitatively equivalent in the first step shall continue the qualitative assessment and be compared to two other regions that are most equivalent in population and socio-economic level.

(iii) The Department shall evaluate the programs in those regions that do not satisfy this rule to determine if they are qualitatively equivalent to those that did meet the 25% waste reduction and diversion goal by evaluating at least the following current solid waste program activities, giving the first three items the greatest weight:

(I) Waste reduction and recycling programs and systems;

(II) Waste diversion programs and systems;

(III) The quality of the regional municipal solid waste plan;

(IV) Solid waste education programs and systems;

(V) Waste collection and handling systems;

(VI) Solid waste program budgets and staffing; and

(VII) A cost benefit analysis of the waste reduction and recycling progress as well as the solid waste generation in the region.

(iv) As part of the evaluation of subpart (iii) of this part, the Department shall visit the region and meet with the appropriate officials from each local government to research and investigate programs and activities listed in subpart (iii) of this part.

(v) The Department shall prepare a comprehensive report for the region providing an analysis of program activities and explaining findings, recommendations, and any required activities. The Department shall meet with each local government in the region to review the comprehensive report and provide the region and its member local governments at least 30 days to prepare a written response that shall be included in the final report prior to finalizing and publishing.

(vi) In the report, the Department shall clearly identify the status of the region or the local governments assessed upon completion of the qualitative assessment. This status shall be one of the following:

(I) The local government or region is qualitatively equivalent to the comparison regions. This means that the systems and activities are equal to comparison counties, but the region failed to meet the goal through no fault of their own;

(II) The local government or region is marginally qualitatively equivalent to the comparison regions. This means that some systems and activities are equal to comparison regions, but some are not. Further, the solid waste plan has not been followed, which may have contributed to the missed goal. For purposes of goal achievement, the Department shall deem the

region or local governments as equivalent but may require remedial activities and/or assist the region in strengthening efforts to attain the goal;

(III) The local government or region is not qualitatively equivalent to one or more of the comparison regions. This means that many systems or activities may be equal to the comparison counties, but more than half are not, and the region or local government did not meet the goal. The Department may direct or prescribe efforts to assist the region in achieving their goal; or

(IV) The local government or region is not qualitatively equivalent to one or more of the comparison regions, but has mitigating circumstances like topography or geography that prevent qualitative equivalency.

2. If a region is identified as qualitatively not equivalent to comparison regions, the Department shall work with the region and its member local governments to develop recommendations to achieve the goal and achieve compliance with the Act. The Department may provide technical assistance (e.g., system design, improvements, and needs assessments), grant offerings, workshops, and other support designed to assist the region in achieving the goal.

3. If a region identified as not qualitatively equivalent complies with the Department's recommendations for two years, it shall be deemed to have returned to compliance and not be subject to penalties for that time period.

(d) Except as provided in subparagraph (a) of this paragraph, failure to comply with the applicable requirements of this rule will subject an entity to the penalties provided by T.C.A. §§ 68-211-816 and 68-211-861.

(14) Other Solid Waste Reports.

(a) Class I landfills shall report to the Department, on forms provided by the Department, the county of origin and tonnage of municipal solid waste on a quarterly basis within 30 days after the end of the quarter.

(b) Class III and Class IV landfills shall report to the Department, on forms provided by the Department, the county of origin and tonnage of material data collected and disposed on an annual basis by January 31 for the previous calendar year. Volume data shall be converted from cubic yards to tons at a conversion factor of 4 cubic yards per ton.

(c) Recovered Materials Processing Facilities (RMPF) that manage over 100 tons per year of reclaimed, recovered or recycled materials or are publicly owned shall report to the Department, on forms provided by the Department, the county of origin and tonnage by commodity type processed by March 1 of each calendar year. RMPFs may optionally report this information on a quarterly basis on forms provided by the Department.

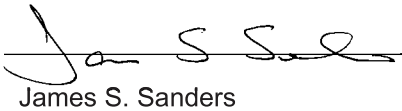
For the purposes of this paragraph, RMPF shall not include end processors of materials or secondary/intermediate collectors of recycled materials. Only RMPFs that initially receive recycled materials directly from the public (including commercial collections, contracted collections, etc.) and process and market these materials to secondary, intermediate or end users are required to report under this paragraph.

(d) Material data collected from private sector RMPFs shall be considered proprietary business information if requested by the private RMPF and shall be protected as such and not be disclosed in a non-aggregated format. Data ownership information shall not be disclosed in this circumstance unless authorized by the data originator to do so.

Authority: T.C.A. §§ 4-5-201, et seq, 68-211-101 et seq., 68-211-601 et seq., and 68-211-801, et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: October 14, 2026

Signature: 

Name of Officer: James S. Sanders

Title of Officer: Director of the Division of Land Protection

Department of State Use Only

Filed with the Department of State on: _____

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Tre Hargett
Secretary of State