

**SWM-SWP-P-137- Unlawful Solid Waste Disposal Complaint Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations**

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

EFFECTIVE DATE: June 22, 2018

SIGNATURES:


Division Director


Drafter / Preparer


Drafter / Preparer

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

TABLE OF CONTENTS

SECTION 1: INTRODUCTION 3

SECTION 2: STATUTORY AND REGULATORY AUTHORITY 4

SECTION 3: COMPLAINT INVESTIGATION PROCEDURES 5

SECTION 4: ENTERING A COMPLAINT INTO WASTEBIN 9

SECTION 5: CLOSING A COMPLAINT 10

SECTION 6: CREATE A SITE AND NRS NUMBER 11

SECTION 6A: CREATING A SITE AND VERIFYING THAT A SITE DOES NOT ALREADY EXIST 11

SECTION 6B: CREATING A NRS 14

SECTION 7: UPLOADING DOCUMENTS INTO WASTEBIN 17

SECTION 8: UPDATE "RESPONSE RECIEVED" IN WASTEBIN 19

APPENDIX A ACCESS TO PROPERTY EXAMPLES 21

APPENDIX B OTHER WASTEBIN INSTRUCTIONS 23

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 1: INTRODUCTION

The purpose of this Standard Operating Procedure (SOP) is to provide a consolidated reference document for use in the training and orientation of employees. This manual also serves as a useful reference tool for more experienced employees. The SOP identifies the technical information and procedural requirements for completing a Complaint Investigation of the unlawful disposal of solid waste. This SOP will delineate the required steps in the process, including responsible personnel, and approximate process milestones. Additional information includes statute and rule authorization, a process flow chart, and supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered with a Complaint Investigation of the unlawful disposal of solid waste. Additional processes and/or irregular conditions that could be involved with conducting a Complaint Investigation of the unlawful disposal of solid waste will be considered independently of this SOP. In such cases, the staff will consult with their supervisor and/or section manager and, as appropriate, the Deputy Director of Field Office Operations.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

SECTION 2: STATUTORY AND REGULATORY AUTHORITY

Tennessee Statutory Authority

T.C.A. § 68-211-104 – Unlawful methods of disposal.

It is unlawful to:

- (1) Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of water quality, oil and gas;*
- (2) Burn solid wastes except in a manner and under conditions prescribed by the department and the Tennessee air pollution control board;*
- (3) Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*
- (4) Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

T.C.A. § 68-211-110 – Disposal on own land.

This part does not apply to any private, natural person disposing waste generated in such natural person's own household upon land owned by such natural person; provided, that such disposal does not create a public nuisance or a hazard to the public health; however, further provided, that after January 1, 2005, this section shall not exempt a private natural person from this part if that person deposits such household waste in a sinkhole.

Tennessee Regulatory Authority

Rule 0400-11-01-.02(1)(b)

The requirements of this rule apply as specified to operators of facilities in Tennessee. Except as otherwise provided in this rule, no facility can lawfully store, process, or dispose of solid waste unless the operator has a permit.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

SECTION 3: COMPLAINT INVESTIGATION PROCEDURES

STEP	RESPONSIBLE PERSON	ACTIVITY
1	EFO Staff	Receive and enter complaint into WasteBin as shown in Section 4. Proceed to step 2.
2	EFO Staff	If there could be an immediate threat, or management directs, then the complaint must be investigated as soon as possible. (See some situational examples and guidance when investigating sites located on private property in Appendix A.) Otherwise, complaints should be investigated within 20 calendar days, if possible, with a maximum of 30 calendar days from the date a complaint is received. If possible talk with a person on site, and always take pictures for documentation. Is solid waste being disposed on site (Please see DEFINITIONS BOX on page 8 and the Division’s Storage of Solid Waste Incidental to Recycling, Reuse, Reclamation or Salvage GUIDANCE – pn136.)? If YES , go to step 3. If NO , go to step 8.
3	EFO Staff	IS THERE AN EXCLUSION UNDER RULE 0400-11-01-.02(1)(b)3 (e.g. on-site farming wastes, septic tank pumping, natural rock, dirt, stumps, pavement, concrete and rebar, brick rubble, etc.)? If YES , go to step 8. If NO , go to step 4.
4	EFO Staff	Is the site a business or rental property? If YES , send out the NOV #1 found in Wastebin, create a NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 5.
5	EFO Staff	Is this a residence, and was the only household waste being disposed at the site generated onsite by the property owner (not a renter)? If YES , go to step 6. If NO , send NOV #1 found in Wastebin, create a site and NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7 and close the complaint as shown in Section 5, then go to step 9.
6	EFO Staff	Is solid waste being disposed in a sinkhole? If YES , send NOV #2 found in Wastebin, create a site and NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 7.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

STEP	RESPONSIBLE PERSON	ACTIVITY
7	EFO Staff	Is the disposal creating a public nuisance or a hazard to public health¹? If YES , send NOV #3 found in Wastebin, create a site and a NRS Number for the site as shown in Section 6, upload documents into WasteBin as shown in Section 7, and close the complaint as shown in Section 5; then go to step 9. If NO , go to step 8.
8	EFO Staff	No letter has to be sent. If there is a possible violation of another agency's regulations then refer to the appropriate agency. Close the complaint as shown in Section 5 then no further action is required.

¹ In the legal context, a public nuisance is an unreasonable interference with the rights of the general public. This means that any harm must be to the public (as opposed to a single neighboring landowner that calls in a complaint, for example) and include a demonstrable harm, such as a condition dangerous to public health or that would affect the public right of way.

Circumstances that may constitute a public nuisance include conduct that involves an interference with the public health or public safety that may extend beyond the property where the illegal dump is located. Factors at a site with the potential to be a public nuisance could include:

- Pooling water (e.g., in tires) that could cause a breeding ground for mosquitoes that carry disease
- Sanitary garbage that could attract rats and other wildlife that could carry disease (e.g., raccoons with rabies) or be dangerous (e.g., bears or coyotes)
- The waste is inherently toxic to people or animals, even in small amounts
- Aesthetics, odor, and/or noise

This is a very fact-specific inquiry in which the nature of the waste, location, surroundings, number of people in the area, etc., could play a part. The guidance included herein is merely meant to inform the inquiry and investigation at the site and offer factors to be taken into consideration. More importantly, the facts and details of the site need to be well documented. If a NOV is issued, it needs to include all the relevant supporting facts. It is not necessary to argue in the NOV that a public nuisance exists, but it is important to document the facts and details.

Therefore, any NOV issued for public nuisance must be approved by the Deputy Director of Field Office Operations.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

STEP	RESPONSIBLE PERSON	ACTIVITY
9	EFO Staff	<p>Does the NOV recipient request to close the solid waste in place under Rule 0400-11-01-.04(8)(g)? If YES, then the Division must determine if the site geology, hydrology, waste types, quantities and other pertinent factors are such that closure in place, under Rule 0400-11-01-.04(8)(g), would not pose a hazard to public health or the environment. The Division may also require monitoring of the site for unpermitted discharges to waters of the state as may be necessary to protect public health and the environment. Before allowing solid waste to be closed in place, discuss with the Deputy Director of Field Office Operations. If the Division determines that closure in place is allowable then send Closure in Place # 1 in Wastebin, upload documents into WasteBin as shown in Section 7, then go to step 10. If the Division determines that closure in place is not allowable then send Closure in Place # 2 in Wastebin, upload documents into WasteBin as shown in Section 7, then go to step 10. If NO, then go to step 10.</p>
10	EFO Staff	<p>Does the NOV recipient requests an extension to the compliance date? If YES, then the Environmental Field Office Manager (EFOM) may grant one extension and establish a new compliance date in an extension letter. (Additional extensions may only be approved after consultation with the Deputy Director of Field Office Operation). If an extension letter is issued, then upload the letter into WasteBin as shown in Section 7 and update the "Response Received" date for the NOV or the Closure in Place letter as shown in Section 8; then go to step 11. If NO, then go to step 11.</p>
11	EFO Staff	<p>Within 10 days of the compliance date in the NOV, Closure in Place, or extension letter, conduct a site visit. Is the violation(s) corrected? If YES, document observations in a RTC letter in Wastebin, upload documents into WasteBin as shown in Section 7, and update the "Response Received" date for the NOV, Closure in Place, or extension letter as shown in Section 8 and no further action is required (Closure in Place requires proof that an appropriate notice is put on the deed before the RTC letter can be sent). If NO, send the 2nd NOV found in Wastebin and upload documents into WasteBin as shown in Section 7, then go to step 12.</p>

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

STEP	RESPONSIBLE PERSON	ACTIVITY
12	EFO Staff	Does NOV recipient attend the Compliance Review Meeting and agree to a compliance date OR the EFOM allow the NOV recipient to send in a letter agreeing to a new compliance date? If YES , send out Compliance Agreement letter found in Wastebin and input the information as shown in Section 7, then go to step 13. If NO , make another site visit then send 3rd NOV # 1 found in Wastebin to the recipient documenting the failure to attend the meeting or agree to a new compliance date, upload documents into WasteBin as shown in Section 7, update the "Response Received" date for the NOV or extension letter as shown in Section 8, and submit an Enforcement Action Request.
13	EFO Staff	Within 10 days after the new compliance date in the Compliance Agreement letter, conduct a site visit. Is the violation(s) corrected? If YES , document observations in a RTC letter in Wastebin, upload documents into WasteBin as shown in Section 7, and update the "Response Received" date for the Compliance Agreement letter, as shown in Section 8 and no further action is required (Closure in Place requires proof that an appropriate notice in the deed before the RTC letter can be sent). If NO , send 3rd NOV # 2 to the recipient documenting the failure to attend the meeting or agree to a compliance date, upload documents into WasteBin as shown in Section 7, update the "Response Received" date for the NOV or extension letter as shown in Section 8, and submit an Enforcement Action Request.

DEFINITIONS BOX

"Solid waste disposal" means the process of permanently or indefinitely placing, confining, compacting, or covering solid waste.

T.C.A. § 68-211-110 states: Disposal on own land. This part does not apply to any private, natural person disposing waste generated in such natural person's own household upon land owned by such natural person; provided, that such disposal does not create a public nuisance or a hazard to the public health; however, further provided, that after January 1, 2005, this section shall not exempt a private natural person from this part if that person deposits such household waste in a sinkhole.

Notes: Open burning is processing and only lawful under DSWM statute if authorized by the Division of Air Pollution Control (DAPC) and exempt under 0400-11-01-.02(1)(b)3.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 4: ENTERING A COMPLAINT INTO WASTEBIN

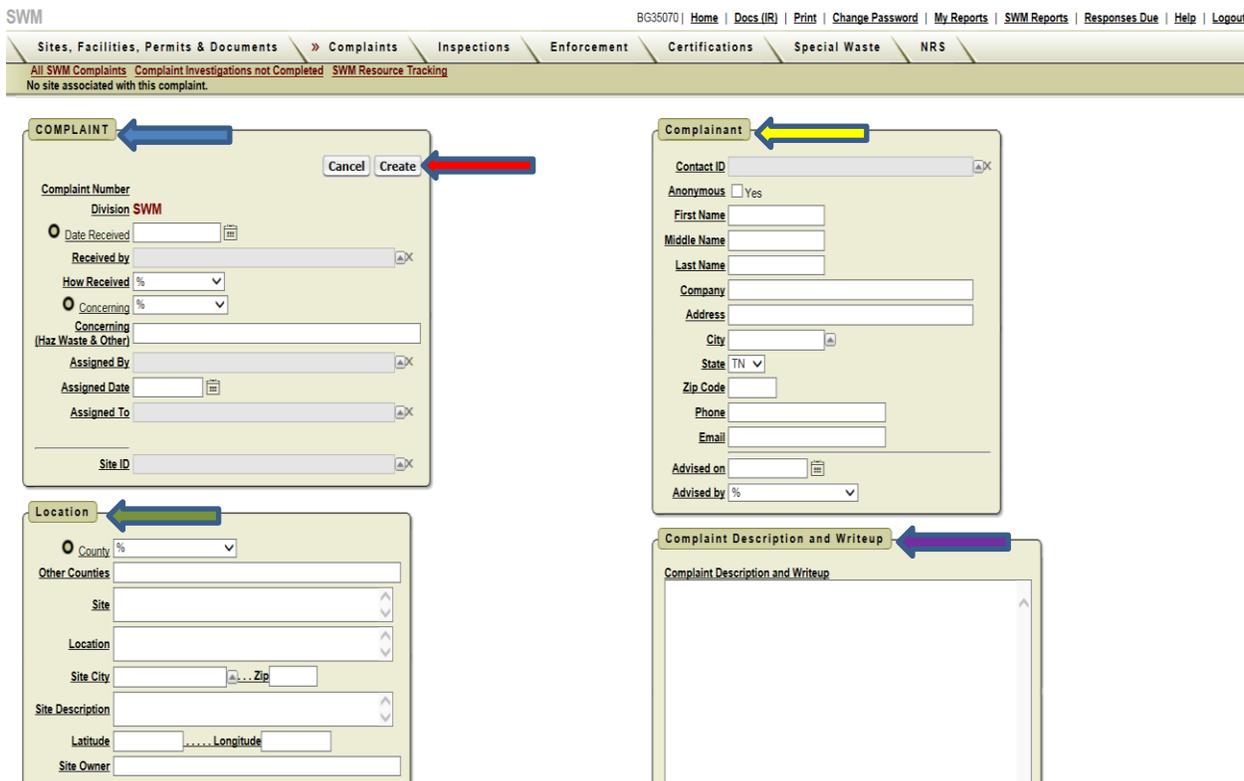
Open Wastebin and click on **Complaints**



Click on **Add Complaint**



Type in the following information at a minimum in the **Complaint** box (Blue Arrow): Date Received; Received by; How Received; Concerning; Assigned Date; and, Assigned To. Type in the following information at a minimum in the **Location** box (Green Arrow): County; and, Location. Type any available information Complainant box (Yellow Arrow). Type in the description of the complaint in the Complaint Description and Writeup Box (Purple Arrow). When finished entering information, click on **Create** again to save (Red Arrow).



SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 5: CLOSING A COMPLAINT

The EFOM or his/her designees are to close complaints. Open Wastebin and click on **Complaints**. Open the complaint by clicking on the correct **ID**.

SWM BG35070 | Home | Docs (IR) | Print | Change Password | My Report

Sites, Facilities, Permits & Documents >> Complaints Inspections Enforcement Certifications

Complaint Investigations not Completed SWM Resource Tracking

Report Type
 Classic
 Interactive

Add Complaint

Go 1. Primary Report

This query returns more than 10,000 rows, please filter your data to ensure complete results.

1 - 15 of 10000

ID	Div	Site_ID	Site	Facility ID	EFO	County	Complainant	Anon	Received	Concerning	Staff	Investigator
40687			DUPLICATE ENTRY									

Enter the **Date Investigated** (Blue Arrow); Select **"No Jurisdiction", "No Problem Found", "NOV", "Referred to Another Agency",** OR **"Corrected (No NOV)"** in **Status** (Green Arrow); Document your observations in **Status Detail** (why there is no jurisdiction, no problem, NOV or referred to another agency – Yellow Arrow) then click on **Apply Changes** (Red Arrow). Request that the complaint be "Closed". The person closing the complaint will need to select the **Date Closed** (Purple Arrow) and then click on **Apply Changes** (Red Arrow).

SWM Sites, Facilities, Permits & Documents >> Complaints Inspections Enfo

All SWM Complaints Complaint Investigations not Completed SWM Resource Tracking

No site associated with this complaint.

Create Site Printable Version Copy Complaint

COMPLAINT

Complaint Number 40929 Cancel Delete Apply Changes

Division SWM

Date Received 06-SEP-16

Received by DLR Daniel Reed (423-385-5431)

How Received Phone

Concerning Illegal Dumping

Assigned By

Assigned Date 06-SEP-16

Assigned To DLR Daniel Reed (423-385-5431)

Site ID

Location

County Carter EFO Johnson City

Other Counties

Site Fair Haven Ministries

Location 2198 Roaring Creek Rd, Roan Mountain, TN 37687

Site City Zip

Site Description Non-profit

Latitude Longitude

Site Owner Fair haven Ministries

Investigation

Date Investigated 07-SEP-16

Status No Problem Found

Co-investigated with APC (Amanda Davis) on separate trips. Amanda talked to property owner who had a dumpster on site at the time of both of our inspections. The box had been ordered last week and they were just using the piles as a staging area to prepare for loading. It will be taken to Carter County DML.

Status Detail No problem found.

331 of 800

Responsible Party

Resp Party Phone

Date Closed 07-SEP-16

Referred To

Date Referred

Created by BG35098 (Daniel.L.Reed@tn.gov)

Last updated 07-SEP-16 by BG35098 (Daniel.L.Reed@tn.gov)

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 6: CREATE A SITE AND NRS NUMBER

Items to know!

1. If a Complaint yields a NOV, it must have an associated NRS Number.
2. A NRS Number must have a Site.
3. Therefore, in order to issue an NOV, you must either:
 - a. Add an NRS to an existing Site; or
 - b. Create a new Site, and add the NRS to it.

SECTION 6a: CREATING A SITE AND VERIFYING THAT A SITE DOES NOT ALREADY EXIST

The TDEC definition of a Site: a location, parcel, or other area of land that contains one or more permitted features, environmental features, facilities, enforcement locations, or any other items that may be of interest to TDEC. Sites are shared among all TDEC Divisions and Programs.

1. Login
2. Click "Sites, Facilities, Permits & Documents"
3. Make sure the "Sites" radio button is selected



A search filter menu titled "Search" with a list of radio buttons. The "Sites" option is selected.

- General
- Sites
- Permits
- Contacts
- Documents
- HazWaste Facilities
- Solid Waste Facilities

4. Verify that the Site does not already exist. As Sites are shared by TDEC Divisions, often APC, DWR, or other Divisions have already created Sites for a location you are interested in, especially if it is a business that might have another TDEC permit. Sometimes DSWM Enforcement or someone else within DSWM has created a Site.

Example: A NOV is to be issued at All Star Recycling Inc. 460 Craighead St, Nashville TN. Urban sites are sometimes harder to verify than rural sites, and there will be many TDEC sites already in the system. It is best to type a partial address and then select the County of interest. In this case you would enter Davidson County and the Street #. Click "Apply Filter" after completing these two fields.



A "Search conditions" form with various input fields and buttons.

Fields and values:

- EFO: %
- County: Davidson
- Description: [empty]
- Site: [empty]
- Location: 460
- City: [empty]
- Latitude: [empty]
- Longitude: [empty]
- Comments: [empty]
- Display Rows: 15
- SITE_ID: [empty]

Buttons: Clear Filter, Apply Filter, Create New Site

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

Below is the list of returns.

1 - 15

Site ID	Site Name	Location
109805	Crystal Farms	4604 & 4618 Cato Rd.
84194	Rhone Poulenc	4600 Centennial Blvd.
83712	TMG#230 d/b/a Tiger Market	4601 Lebanon Road
70385	W.R. Grace Zonolite Facility	4601 Powell Avenue
69089	Shelbyville Warehouse, LLC	460 Jones Lane
60952	Litton Middle School Renovations and Additions	4601 Hedgewood Dr.
58286	Pickney Residence	4604 Dakota Ave. and 7640 River Road
57109	Baptist Sports Park	460 Great Circle Rd.
53187	All Star Recycling Inc.	460 Craighead Street ←
43210	Buffets Holdings, Inc.	1460 Buffet Way, MN
39560	McCabe Park Community Center	4601 Murphy Road
26459	Ponddigger Properties Maintenance Facility	4601 Ashland City Highway
4899	Innophos, Inc. (formerly Stauffer Chemical)	4600 Centennial Boulevard (mailing PO Box 1130)
3172	Volunteer Thread Co Inc	460 Allied Drive
3142	Plus Printing Inc	460 Woodycrest Ave

In this case, the search returned 15 matches, including the correct match for All Star Recycling. We always suggest searching using only a partial address. In this case, if you had search for “460 Craighead St.” you would have gotten no matches, as Street was spelled out and did not have a “.” after the “t”. (Another way to check if a site already exists is to pick a known site near your complaint. Go to the site page and drag the map to the complaint location. Click on the triangles around the complaint location.)

- If the Site already exists, as in the Example, then you need to do nothing else, unless you would like to verify the location is correct or make other edits. Be careful making any changes, as this may affect another Division’s workflow in rare cases. However, if details in an existing Site are obviously incorrect, please correct them.
- If you cannot find the Site, then create one. Remember that if it’s a medium to large industry, or you suspect it has some sort of TDEC permit, then continue to try other searches as it may be in the database under a different address or name. Partial searches are always the best way to search.
- Click “Create Site”
- Enter the County, Name, and Street Address and Click Create.

Data entry for sites

County

Site name

Site Location

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

- Once you click Create, your new Site will be the last one created. It may be at the top of the list or you may need to search for it to find the ID number. Take note of the ID number; write it down somewhere for future reference. At this point it's a good idea to click on the Site ID number and add more info if you have it.

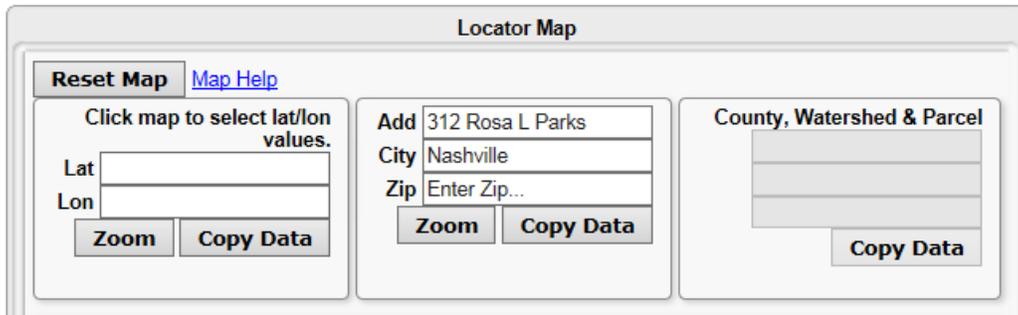
row(s) 1 - 15 of more than 50000 [Next](#) 



Site ID 	Site Name	Location
119766	Generic Site of No Consequence	312 Rosa L. Parks Ave. 14th Floor
119765	Longwall Associates Inc	212 Kendall Avenue
119764	BASF Corporation	100 Bridgeport Road
119763	Joshua Payne property	103 Green Acres
119762	River Road Rip Rap	River Road Pike
119761	Disposal of 500 acres	Hermitage
119760	2202 Unaka Springs Road	2202 Unaka Springs Road
119759	Darl Smith property	759 Fred Cooper Road

- Having a location for the Site is always useful. Use the Locator Map to determine a Lat/Long for the location; this is also a quick way to get a postal code and to normalize the street address. Enter the Address and City and Zip (if you have it) in the locator, and in most cases it will return a fairly accurate point. Click Zoom.

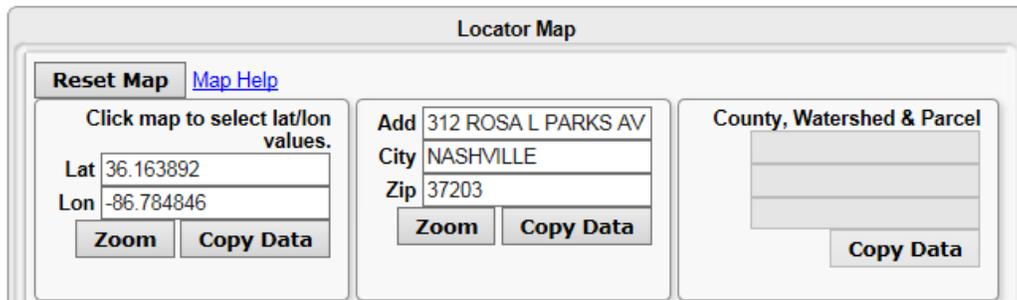
Before:



The screenshot shows the 'Locator Map' interface. It has three main sections:

- Left Section:** 'Click map to select lat/lon values.' with empty 'Lat' and 'Lon' input fields, and 'Zoom' and 'Copy Data' buttons.
- Middle Section:** 'Add' with input fields for '312 Rosa L Parks', 'City' with 'Nashville', and 'Zip' with 'Enter Zip...'. It also has 'Zoom' and 'Copy Data' buttons.
- Right Section:** 'County, Watershed & Parcel' with empty input fields and a 'Copy Data' button.

After:



The screenshot shows the 'Locator Map' interface after data entry. The 'Add' section now contains:

- 'Add': 312 ROSA L PARKS AV
- 'City': NASHVILLE
- 'Zip': 37203

 The 'Left Section' now contains:

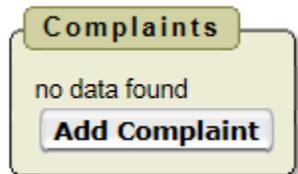
- 'Lat': 36.163892
- 'Lon': -86.784846

Click Copy Data on both boxes to copy the data over to the Site Information Screen. **Then press Apply Changes.**

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

11. At this point you can add any additional information you would like. Note there is an Add Complaint box near the bottom of the screen. If you have already created a complaint, then don't click this box; it will just create another one. If you are making a complaint on an existing facility or for some reason created the Site first, which is rarely the case, you may use this box. **Creating the complaint from the complaint tab is the normal procedure in most cases.**



12. **Final Thoughts: DO NOT Create a Duplicate Site.**

SECTION 6b: CREATING A NRS

After you create or identify the Site that you wish to use for the NRS, navigate to the Site. You can do this by:

1. Clicking on Sites, Facilities, Permits & Documents from the top most menu.



2. Make sure Sites is selected in the Search Box.



SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

- Partial name searches combined with county filters are always helpful, OR simply use a known Site ID.

Search conditions

EFO % County **Davidson** Description

Site **olivia** Location

City

Latitude Longitude

Comments

Display Rows 15 **SITE_ID** 38613

- Click on the Site ID of the Site you intend to place the NRS on.

1 - 1

Site ID	Site Name	Location
38613	Demo/Training site. AKA Olivia site	Somewhere in Tennessee that regulation, remediation or enforcement could occur. This could also be some place that TSP,DNA could be a service to our citizens.

Export to Excel

1 - 1

- Once on the Site Page, Find and Click the "Add NRS" in the NRS box.

SWM Facilities on this Site

Division	Facility Id	Primary Name
SWM	test1	Test1

1 - 1

NRS (Non Registered Sites)

no data found

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

6. Populate everything² on the screen and click Create.

NRS Information

Cancel (back to Page 1) Create

Xref Sites Id
Division **SWM**

Epa Division Local

Primary Name Demo/Training site.AKA Olivias site

Registry Id
 NRS ID Number NRS010000001

Site Id 38613

Status NRS

County Davidson

City Nashville

Address Somewhere in Tennessee that regulation

Category NRS

² **ASSIGNING NRS NUMBER -**

Field Offices are to assign Non-Registered Site (NRS) identification numbers as follows:

The first NRS in Shelby County to receive an identification number would be numbered:

NRS790000001

NRS – Control Prefix that represents Non-Registered Sites

79 – County Code

000 – Three Numerals (formerly the Field Office Number)

0001 – Four Number Sequencing Code

If the Field Office receives multiple complaints in a day that lead to the creation of multiple NRS identification numbers being created, the sequencing number will increase based on when the complaint was received.

- **NRS790000001**
- **NRS790000002**
- **NRS790000003**

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 7: UPLOADING DOCUMENTS INTO WASTEBIN

This Section provides an example of how to upload the 1st NOV. Open Wastebin and click on **Complaints**. Open the site by clicking on the correct **Site_ID** then click on **Add Document** (Blue Arrow).

WM BG35070 | Home | Docs (IR) | Print | Change Password | My

» Sites, Facilities, Permits & Documents | **Complaints** | Inspections | Enforcement | Certifications | Special Waste | NRS

SITE INFORMATION

Cancel Apply Changes Get LL

Site ID **111188**

Site **19 street**

County - **Campbell** EFO - Knoxville

Other Counties

Site Location **515 19 th street**

Site City **Lafollette**

Zip **37755**

Site Description **Illegal dump site of a meth house.**

Latitude **38.37865**

Longitude **-84.13755**

Lat/Long source **Other WWW Mapping Services**

Entered by **RRM**

Entered on **04-OCT-16**

Owner **Lynn Lethner/John Lethner**

Comments

Last updated **04-OCT-2016 07:51AM**
Updated by **BG35008 (Ryan Miller)**

ACME Mapper Google Map TDEC GIS

Locator Map

Reset Map Map Help

Click map to select location values.

Lat **38.378650**

Lon **-84.137550**

Zoom Copy Data

Add Enter Address... City Enter City... Zip Enter Zip... Zoom Copy Data

County, Watershed & Parcel Copy Data

Streets Aerial Community USGS

Scale: 0 0.2 0.4mi

SWM Facilities on this Site
no data found
Add Facility

NRS (Non Registered Sites)

Division	Facility Id	Primary Name
SWM	NRS070001228	19 street

1 - 1
Add NRS

Other TDEC Facilities on this Site 0

Permits and other Non-Inspection Documents

Add Document

View	Description	File Type	Permit No	Effective Date	Lastupdated
	Pictures of Illegal dump at 515 19th Street, Lafollette, TN	Photo		04-OCT-16	04-OCT-16

Continue to next page

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Click on **Browse** (Blue Arrow) and locate the NOV, then select the NRS number; type "First NOV" in the **Description/Keywords** (Green Arrow); Select "Outgoing" (Yellow Arrow); Select "Notice of Violation" for Type of File (Purple Arrow); Select Inspector's Initials for Author (Orange Arrow); Select the date of the NOV for "Effective Date" and "Mailed Date" (Black Arrow); Select 35 days after the "Effective Date" for the "Response Due Date" (Gold Arrows); click on **Submit** (Red Arrow).

The screenshot shows a web form titled "SUBMIT FILE to TBL_DOCUMENTS" with a "Cancel" button in the top right. The form contains the following fields and controls:

- Site ID:** 111188
- Permit No (if available):** %
- Facility Id:** NRS070001228 19 street
- File Name:** C:\Users\Public\Pictures\Sample Pictures\Koala.jpg. A blue arrow points to the "Browse..." button.
- Description / Keywords:** FIRST NOV. A green arrow points to the text input field.
- Outgoing or Incoming:** Outgoing. A yellow arrow points to the dropdown menu.
- Type of File:** Notice of Violation. A purple arrow points to the dropdown menu.
- Author:** NBL. An orange arrow points to the text input field.
- Effective Date:** 04-Apr-2017. A black arrow points to the date field.
- Mailed Date:** 04-Apr-2017. A black arrow points to the date field.
- Response Due Date:** 11-May-2017. A gold arrow points to the date field.
- Inspection Number:** (empty field)
- Submit:** A red arrow points to the "Submit" button.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

SECTION 8: UPDATE "RESPONSE RECIEVED" IN WASTEBIN

On the opening page of WasteBin click on **Response Due**



Select "Report by EFO" (Blue Arrow); Select "12" for "Months to Display" (Green Arrow); Select your FO for "EFOM Name" (Yellow Arrow) - Wastebin will provide a list of documents with "Response Due" dates - click on **Edit** (Red Arrow) for the appropriate document.



Select the "Response Received" date as the date that a required document was received or the date a follow-up inspection was completed (Blue Arrow). Type in the comment area what document was received or that a follow up inspection was conducted (Green Arrow). Click on **Apply Changes** to save (Red Arrow).

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

iWWM

Sites, Facilities, Permits & Documents Complaints Inspections Enforcement Certificatio

Parent Site Name	Site Location	County	EFO
Southeast Recycling Technologies Handling Facility	108 Kwickway Lane Building #4 TNR 00-002-3234	Washington	Johnson City

Documents

Cancel Delete **Apply Changes** **Replace Document**

Site ID: 9989 .. Southeast Recycling Technologies Handling Facility .. 108 Kwickway Lane Bldg

Facility Id: [dropdown]

Permit Number: % [dropdown]

Permittee: [dropdown]

File Name: 819987405257733643/TNR 00 002 3234 IN 8-2-2016 SERT #4 NOV.pdf

Description: CEI report, Building #4

In Out Ref: Outgoing [dropdown]

File Type: Notice of Violation [dropdown]

Priority: Routine [dropdown] Commish Tracking No: [input]

Author: Bethanie Glynn .. (865) 854-5434 [input] ... Draft Prepared on: [calendar icon]

Supervisor: [input] ... Draft Approved on: [calendar icon]

Manager: [input] ... Final Signed on: [calendar icon]

Effective Date: 02-AUG-2016 [calendar icon]

E Mailed: No [dropdown]

Mailed By: [input] ... Mailed Date: 18-AUG-18 [calendar icon]

Filed Date: [input] File Folder Name: [input]

Response Due: 15-SEP-2016 [calendar icon] Response Received: [calendar icon]

Comment: [text area]

Enforcement Mngr Review: [input] [calendar icon]



SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

APPENDIX A

Access to Property Examples

Below are some situational examples and guidance for DSWM inspectors when investigating sites located on private property.

1. If No Residence is Visible or on the Property.

If there is no residence on the property, then the inspector can conduct his or her investigation under the authority of Tenn. Code Ann. § 68-211-105(d). The inspector has the authority to investigate even if there is a No Trespassing sign posted. However, the inspector should consider where the sign is placed and how many signs are posted, as well as other important factors such as whether entry onto the property is blocked by a gate, fence, or chains.

2. Residence on Site but Not Near the Disposal Area.

If there is a residence on the property, then the inspector should evaluate whether the disposal area is near the house. If the disposal area is not near the house, then the Fourth Amendment is not implicated, and the inspector can use the authority of Tenn. Code Ann. § 68-211-105(d) to conduct the investigation. Even though there is no residence on the site, it is prudent to consider the presence of No Trespassing signs and whether the property has been blocked by a fence, gate, etc.

3. If the Inspector Needs to Inspect Near the House.

If the inspector finds the need to inspect near a house in an area that may be considered the curtilage, the inspector has the right to approach the front door, knock, explain to the occupant that they are there to investigate a complaint, and ask if they could walk around the area to investigate. If the occupant questions the inspector's authority, then the inspector can reference the statute and explain that they have the authority to be there and investigate. If the occupant does not grant access, then the inspector should leave. **Remember, at all times, regardless of whether an inspection near the house is necessary, the inspector has the option of approaching the door and knocking in order to speak to the property owner.*

4. If Someone Approaches the Inspector When He or She Is Not Near a House.

If the inspector is conducting an investigation under either scenario one or two above, but someone approaches the inspector demanding that they leave, the inspector should calmly explain that Tenn. Code Ann. § 68-211-105(d) gives them the authority to be on the property. Furthermore, if the inspector deems it appropriate, he or she can tell the person that Tenn. Code Ann. § 68-211-117(a) states that the Division can assess civil penalties against a person who does not allow access. If the person is hostile, or similarly, if the person has given permission but then revoked it, the inspector should leave the premises and should document the entrance attempt and denial, including any facts gleaned about the property owner or occupant. He or she should then immediately report the incident to a supervisor and/or the Environmental Field Office Manager. At that point, a decision could be made to reach out to local law enforcement to request that an officer escort the inspector back to the site. Depending on the circumstances, the EFOM may also notify the Enforcement Manager and Deputy Director of Field Office Operations, who can bring the matter to the Office of General Counsel if necessary.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

5. If a Site is Near a House, but there is a Public Vantage Point.

If a site is near a residence in an area that may be considered the curtilage, an inspector has the option to “knock and talk” as outlined in scenario three. However, an inspector also has the option of observing the area from a public vantage point. This option may be particularly useful if one or more No Trespassing signs are present or if there a gate, locks, chains, etc. A public vantage point may be a street, sidewalk, or other public property.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

APPENDIX B

Other WasteBin Instructions

ADDING COMPLAINTS TO AN EXISTING NRS24
ADDING COMPLAINTS TO A PERMITTED FACILITY26

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

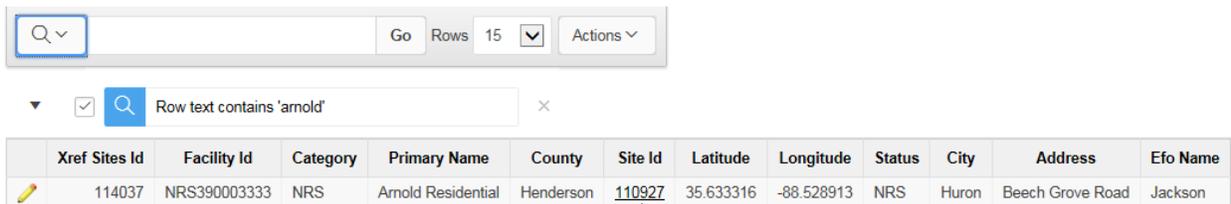
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Adding Complaints to an Existing NRS

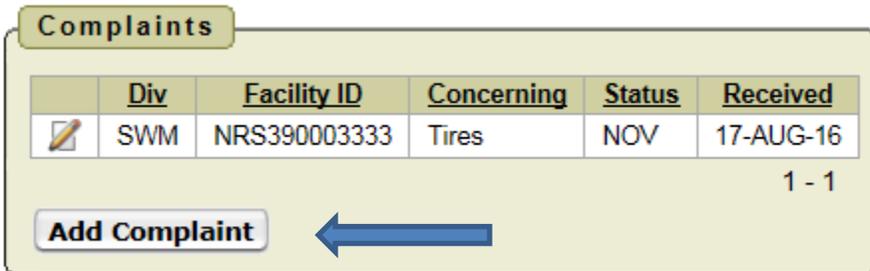
Connecting a Complaint to an NRS is very similar to connecting to a Facility. Navigate to the NRS list and click on the appropriate Site ID.



Use the search box to find the NRS but using partial names or other information such as directly typing in the NRS number.



Click on the Site ID
Scroll down and look for a Complaints Region in the Right Hand Column. Click Add Complaint.



Notice that, unlike starting with a blank complaint report, the location and Site ID info has been pre-populated.

Add the appropriate NRS or Facility ID from the Drop-down box.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218
Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint
Investigations

COMPLAINT

Complaint Number

Division **SWM**

Date Received

Received by

How Received %

Concerning %

Concerning (Haz Waste & Other)

Assigned By

Assigned Date

Assigned To

Site ID 110927 . . Arnold Residential . . Beech Grove Road

Facility ID or NRS %

Location based on SITE_ID

Site ID	110927
Site	Arnold Residential
Location	Beech Grove Road
City	Huron
Description	Residential
County	Henderson
EFO Name	Jackson
Site Owner	Nancy Arnold

Enter all other info and click Create.

Note that you will now be able to access this complaint from the NRS, Site or Complaint pages and clicking on the icon to make edits and changes.

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Adding Complaints to a Permitted Facility

If you have a complaint against a landfill or other permitted facility, you'll want to document that against the facility's records regardless of merit.

Navigate to the facility list and click on the appropriate Site ID (red arrow).

Search

- General
- Sites
- Permits
- Contacts
- Documents
- HazWaste Facilities
- Solid Waste Facilities

Solid Waste Facilities(1R)

Search: [] Go 1. Primary Report [v] Rows 15 [v] Actions [v]

Row text contains 'ews'

1 - 3 of 3

Facility Id	Status	Category	Primary Name	County	EFO	Address	City	Site Id
IDL540000079	Operating	Class li	Bowater Newsprint Landfill	McMinn	Chattanooga	5020 Highway 11 South	Calhoun	4858
IDL030000212	Operating	Class li	EWS Camden Class II Landfill	Benton	Jackson	200 Omar Circle		9483
CCC350000413	Operating	Convenience	Whiteville Convenience Center	Hardeman	Jackson	897 Newsom Road	Whiteville	51850

1 - 3 of 3

Scroll down and look for a Complaints Region in the Right Hand Column. Click Add Complaint.

Complaints

Div	Facility ID	Concerning	Status	Received
SWM	IDL030000212	Other	No Problem Found	20-OCT-16
SWM	IDL030000212	Other	No Problem Found	12-OCT-16
SWM	IDL030000212	Other	Corrected (No NOV)	18-AUG-16
SWM	IDL030000212	Other	NOV	29-JAN-16
SWM	IDL030000212	Other	NOV	06-JAN-16
SWM	IDL030000212	Other	NOV	16-DEC-15
SWM	IDL030000212	Other	NOV	25-NOV-15
SWM	IDL030000212	Other	No Problem Found	04-FEB-15
SWM	IDL030000212	Other	Corrected (No NOV)	19-JAN-15
SWM	IDL030000212	Other	Corrected (No NOV)	24-NOV-14
SWM	IDL030000212	Other	Referred to other Agency/Section	03-NOV-14
SWM	IDL030000212	Other	No Problem Found	05-SEP-14
SWM	IDL030000212	Other	No Problem Found	06-AUG-14
SWM	IDL030000212	Other	Corrected (No NOV)	22-JUL-14
SWM	IDL030000212	Other	No Problem Found	06-JUL-14

row(s) 1 - 15 of 29 Next

Add Complaint ←

SWM-SWP-P-137- Unlawful Disposal Investigations - 062218

Standard Operating Procedure (SOP) - Unlawful Solid Waste Disposal Complaint Investigations

Notice that, unlike starting with a blank complaint report, the location and Site ID info has been pre-populated.

Add the appropriate NRS or Facility ID from the Drop-down box (blue arrow).

COMPLAINT

Complaint Number

Division **SWM**

Date Received

Received by

How Received

Concerning

Concerning (Haz Waste & Other)

Assigned By

Assigned Date

Assigned To

Site ID 9483 .. Environmental Waste Solutions, LLC, aka EWS ..

Facility ID or NRS



Location based on SITE_ID

Site ID	9483
Site	Environmental Waste Solutions, LLC, aka EWS
Location	200 Omar Circle
City	Camden
Description	Class II Industrial Landfill presently for the disposal of gound aluminum dross
County	Benton
EFO Name	Jackson
Site Owner	Environmental Waste Solutions

Enter all other info and click Create.

Note that you will now be able to access this complaint from the Facility, Site or Complaint pages and clicking on the icon to make edits and changes.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	06/22/18	Initial