



TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN

Fiscal Year 2018-2019

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OVERVIEW

MISSION

The Tennessee Department of Environment and Conservation (TDEC) exists to enhance the quality of life for citizens of Tennessee and to be stewards of our natural environment by:

- Protecting and improving the quality of Tennessee's air, land, and water through a responsible regulatory system;
- Protecting and promoting human health and safety;
- Conserving and promoting natural, cultural, and historic resources; and
- Providing a variety of quality outdoor recreational experiences.

TDEC is committed to providing a cleaner, safer environment that goes hand-in-hand with economic prosperity and increased quality of life in Tennessee. The department delivers its mission through managing regulatory programs that maintain standards for air, water, and soil quality while providing assistance to businesses and communities in areas ranging from recreation to waste management. TDEC also manages the state park system and programs to inventory, interpret, and protect Tennessee's rich natural, historical, and archeological heritage.

ENABLING LEGISLATION AND STATUTORY AUTHORITY

Tennessee Code (TC) 4-3-501, 502 creates the Department of Environment and Conservation (TDEC) and places it "under the charge and general supervision of the Commissioner of Environment and Conservation." TC 4-3-503 authorizes the Commissioner to establish divisions, bureaus, or other organizational units to fulfill the duties of the department.

TDEC services are delivered primarily through two bureaus, the Bureau of Environment and the Bureau of Parks & Conservation, which are organized into divisions. Bureaus are led by Deputy Commissioners who report to the Commissioner. Additional supporting divisions include Administrative Services, Strategy and Engagement, and Legal and Compliance. The leadership for these supporting divisions report directly to the Commissioner. TC Title 9 governs public finances and contains broad requirements concerning the accounting of revenues and expenditures, budgets and appropriations, and the deposit and disbursement of funds.

Bureau of the Environment

TDEC's environmental programs, including the divisions of Air Pollution Control, Geology, Radiological Health, Remediation, Solid Waste Management, Underground Storage Tanks, and Water Resources primarily operate pursuant to enabling legislation that appears in TC Title 68 Chapters 201-221 and in TC Title 69, Chapters 1, 3, 10, and 11.

The Division of Air Pollution Control was established to assist in the control and abatement of air pollution. The division establishes emission standards and procedure requirements to monitor

industries in the State through such procedures as: the issuance of permits, source visits and inspections, enforcement, and disseminating information regarding air pollution control.

The Division of Geology, created by TC 11-5-103, 104, and 106, studies the geology in Tennessee and develops information to identify the location and nature of geologic resources.

The Division of Radiological Health regulates the use and possession of radioactive materials and machines within the state, responding to accidents involving radiation, and monitoring the environment for radiation. The division is comprised of three sections: license, registration and planning, inspection and enforcement, and technical services.

The Division of Remediation identifies and investigates potentially hazardous substance sites and works to stabilize, remediate, contain, monitor, and maintain those sites.

The Division of Solid Waste Management is responsible for the oversight of waste management activities and the beneficial use of recovered materials. This division is comprised of sections including Materials Management, Hazardous Waste, Solid Waste, and Toxic Substances.

The Division of Underground Storage Tanks prevents future petroleum underground storage tank releases and remediates existing petroleum contamination. This division performs extensive operator training and has developed user manuals and toolkits in a number of languages.

Pursuant to TC 60-1-101, the Division of Water Resources serves as TDEC's liaison to the Tennessee Board of Water Quality, Oil, and Gas created by TC 69-3-104. This division engages in voluntary, regulatory, and educational programs.

Enabled by TC 64-1-1101 et seq., the West Tennessee River Basin Authority preserves the natural flow and function of the Hatchie, Obion, and Forked Deer River Basins through environmentally sensitive stream maintenance. The authority is charged to restore natural streams in a self-sustaining manner with consideration of natural stream and floodplain dynamics and environmental and economic benefits.

Tennessee also operates under federal delegations of authority in the form of either delegated program authority or authority provided pursuant to formal agreements from the Environmental Protection Agency (EPA), the Department of Energy, the Department of Defense, the Nuclear Regulatory Commission, and the Food and Drug Administration. These provisions of authority relate to the federal Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act; Safe Drinking Water Act; Atomic Energy Act of 1954; and the Mammography Quality Standards Act.

Bureau of Parks & Conservation

The Bureau of Parks & Conservation includes several service divisions, including State Parks Operations, Recreation Education Services, Natural Areas, Interpretive Programs and Education, Marketing and Product Development, Partnerships and Development, and Archaeology. The

State Parks and Conservation programs operate under several legislative provisions, including TC 11-3-101, which established Tennessee State Parks in 1937.

TC Title 11, Chapters 9 and 11, establish TDEC's Recreation Education Services Division. This division provides conservation education services, recreation planning, and assistance functions for local governments.

The Division of Natural Areas administers several statutes, including the Natural Areas Preservation Act of 1971 (TC 11-14-101), the Tennessee Scenic Rivers Act of 1968 (TC 11-13-101), the Rare Plant Protection and Conservation Act of 1985 (TC 70-8-301), and the Ginseng Dealer Registration Act of 1983 (TC 62-28-101).

TC 67-4-409 creates the Local Parks Land Acquisition Fund (LPRF) and the State Land Acquisition Fund (SLAF). TDEC, the Department of Agriculture, and the Tennessee Wildlife Resources Agency must approve expenditures from each fund. The LPRF makes grants available to local governments. The SLAF is used for the acquisition of lands that are designated as historic places, areas, or sites, state parks or natural areas, or forests, boundary areas along state scenic rivers, or the state trails system.

The Division of Archaeology, created by TC 11-6-101, operates a statewide program that includes archaeological surveying, excavation, research, publication of findings, custodianship of artifacts, and educational programs. The division fulfills responsibilities under the National Historic Preservation Act (PL 89-665) and the federal Native American Graves Protection and Repatriation Act (PL 101-601).

Authority in TC 4-11-101 et seq. creates the Tennessee Historical Commission, which is attached administratively to TDEC and receives Title VI administrative support from TDEC. The commission encourages the study of Tennessee's history and provides for protection, operation, and maintenance of historic sites. Under the National Historic Preservation Act of 1966, the Tennessee Historical Commission Executive Director serves as State Historic Preservation Officer (SHPO), as designated by the Governor and the U.S. Department of the Interior. It is the responsibility of the SHPO to review, comment on, and identify projects that will potentially impact historic properties. The Tennessee Historical Commission has three boards and administers grant programs.

Pursuant to TC 4-3-510 et. seq., the Office of Energy Programs (OEP) functions as the federally-funded State Energy Office for Tennessee. In this role, OEP is the recipient of annual funding under the U.S. Department of Energy's (DOE) State Energy Program (SEP). Under this DOE program, OEP addresses long-term national goals to increase the energy efficiency of the U.S. economy, reduce energy costs, improve the reliability of electricity, fuel, and energy services delivery, develop alternative and renewable energy resources, promote economic growth with improved environmental quality, and reduce reliance on imported oil.

Appendix I: TDEC Organizational Chart

3.
RESPONSIBLE OFFICIALS

David Salyers, P.E.
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Nashville, TN 37243

Date

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Director
Office of Policy and Sustainable Practices
Department of Environment & Conservation
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Date

Chad Kimes, REHS, PEM
Title VI Coordinator & Senior Policy Analyst
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Date

Christina Ashie Guidry, J.D.
Title VI Coordinator & Senior Policy Analyst
Office of Policy and Sustainable Practices
Department of Environment & Conservation
312 Rosa L. Parks Ave, 2nd Floor
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Date

4.

DEFINITIONS

Air Pollution Control (APC): TDEC regulatory division established to assist in the control and abatement of air pollution. At this time, APC administers one grant program.

Beneficiary: all citizens in all counties, municipalities, and communities in the state, region, or locality; those persons who directly or indirectly receive or benefit from services and programs provided by the department. For example, individual water sources (wells), persons in communities that receive state loan funds for wastewater treatment system construction, recreation grants, and solid waste or hazardous waste disposal assistance grants are beneficiaries.

Citizen Participation: an open process in which the rights of the community to be informed, to provide comments to the government, and to receive a response from the government are met through a full opportunity to be involved and to express needs and goals.

Compliance: the act of adhering to, and demonstrating adherence to, a standard or regulation.

Discrimination: the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. Discrimination may be an intentional or unintentional act.

Disparate Impact: policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate impact on protected groups.

Disparate Treatment: refers to actions that result in circumstances where similarly situated persons are treated differently, i.e., less favorably, than others because of their race, color or national origin.

Disproportionately High and Adverse Effect on Minority and Low-Income Populations: an adverse effect that:

- 1) is predominately borne by a minority population and/or a low-income population; or
- 2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Division of Solid Waste Management (DSWM): TDEC regulatory division that is responsible for the oversight of waste management activities and the beneficial use of recovered materials. This division is comprised of sections including Materials Management (MM), Hazardous Waste, Solid Waste, and Toxic Substances. MM administers several grant programs.

Division of Underground Storage Tanks (UST): TDEC regulatory division that works to prevent future petroleum underground storage tank releases and remediates existing petroleum contamination. This division performs extensive operator training and has developed user manuals and toolkits in a number of languages.

Division of Water Resources (DWR): TDEC regulatory division responsible for managing, protecting, and enhancing the quality of state's water resources through voluntary, regulatory, and educational programs. The State Revolving Fund Program (SRF), which administers Tennessee's Clean Water State Revolving Fund Loan Program and Drinking Water State Revolving Fund in housed within DWR. DWR also provides small grants.

Environmental Justice: the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental Justice Activities: actions taken by a recipient or sub-recipient of federal financial assistance to identify and address adverse and disproportionate effects of its policies, programs or activities on minority and/or low-income populations, consistent with Executive Order 12898.

Federal Financial Assistance:

- 1) grants and loans of federal funds;
- 2) the grant or donation of federal property and interests in property;
- 3) the detail of federal personnel;
- 4) the sale, lease, or permission to use (on other than a casual or transient basis) federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to the served by such sale or lease to the recipient; and
- 5) any federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

Limited English Proficiency (LEP) Persons: persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.

Low-Income: characterization of a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.

Low-Income Population: any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed federal program, policy, or activity.

Minority: a person who is:

- 1) Black (having origins in any of the black racial groups of Africa);
- 2) Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
- 3) Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or

4) American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

5) Native Hawaiian and Other Pacific Islander (having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands).

National Origin: the particular nation in which a person was born. It can also be applied to ethnicity or to the ancestral national identity.

Noncompliance: condition of a recipient or sub-recipient that has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.

Office of Energy Programs (OEP): is a TDEC office that functions as the federally-funded State Energy Office for Tennessee. In this role, OEP is the recipient of annual funding under the U.S. Department of Energy's (DOE) State Energy Program (SEP) and distributes grants to sub-recipients.

Office of Policy and Sustainable Practices (OPSP): a TDEC office that supports the work of both TDEC Bureaus by assisting in the development of environmental policy and promoting sustainable practices in communities, the private sector, and government and institutions. OPSP distributes grants to sub-recipients.

Recipient: any entity that receives financial assistance directly from a federal agency.

Recreation Education Services (RES): a TDEC division in the Bureau of Parks and Conservation that administers the Local Parks Land Acquisition Fund (LPRF), which provides grants to local governments, and the State Land Acquisition Fund (SLAF).

Sub-recipient: any entity that receives financial assistance as a pass-through from another entity.

Tennessee Historical Commission (THC): a commission, created by statute, administratively attached to TDEC. Its purpose is to encourage the study of Tennessee's history and provides for protection, operation, and maintenance of historic sites, which includes the provision of grants.

5.

NON-DISCRIMINATION POLICY

TDEC STATEMENT OF NON-DISCRIMINATION

The State of Tennessee complies with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Any person who believes that discrimination has occurred by a state agency on the basis of race, color, or national origin, including limited English proficiency (LEP), in violation of Title VI may file a written complaint with the Tennessee Human Rights Commission (THRC). Complaints must be filed within 180 days of the alleged discriminatory act. Complaints may also be filed with the state or federal agency involved, or the United States Department of Justice. For more information, please contact THRC.

STATEMENT THAT TDEC, ITS SUB-RECIPIENTS OR CONTRACTORS SHALL MAKE AVAILABLE ANY COMPLIANCE REPORT TO BE REVIEWED BY THRC UPON REQUEST:

TDEC and its sub-recipients shall make available any compliance report to be reviewed by THRC upon request. Each grant entered into by TDEC includes the following provisions:

Nondiscrimination. The Grantee agrees that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Records. The Grantee and any approved subcontractor shall maintain documentation for all charges under this Grant Contract. The books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under this Grant Contract, shall be maintained for a period of five (5) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the Grantor State Agency, the Comptroller of the Treasury, or their duly appointed representatives.

6.
CIVIL RIGHTS OFFICE/TITLE VI PROGRAM

STAFFING OF THE DEPARTMENT'S TITLE VI PROGRAM

TDEC's Title VI compliance efforts are led by its Title VI Coordinator, LEP/Title VI Contacts in each division, park, and field office, and a Title VI Complaint Officer. The Title VI Coordinator, housed in the Office of Policy and Sustainable Practices, develops and disseminates Title VI information, resources, policy, procedure, and online trainings to each division to assist in achieving and ensuring Title VI compliance. In coordination with those efforts, each grant and loan administering program within TDEC is responsible for ensuring the compliance of the sub-recipients, through surveys, audits, and/or monitoring, as required by Title VI. To that end, each division, park, and field office has an LEP/Title VI Contact, who facilitates training, compliance, and language assistance services for the division. The Title VI Complaint Officer, housed in the Division of Internal Audit, responds to Title VI complaints and conducts annual audits of sub-recipients to ensure compliance.

TITLE VI COORDINATOR/ENVIRONMENTAL JUSTICE MANAGER RESPONSIBILITIES

The Title VI Coordinator/Environmental Justice Manager assists TDEC in promoting and achieving Title VI compliance, healthy and safe communities, and quality environmental education for the benefit of the environment, public health, and economy. This position also supports the Department's objectives of achieving environmental equity for all Tennesseans. Inquiries may be directed to Chad Kimes: Chad.Kimes@tn.gov or 615-532-8739.

The Title VI Coordinator fulfills his duties by:

- Developing and implementing TDEC's Title VI and Environmental Justice Programs;
- Coordinating the Title VI and Environmental Justice Programs with all TDEC divisions and other program area managers or designees, including sub-recipients;
- Developing and facilitating Title VI training for TDEC staff and sub-recipients;
- Developing and disseminating Title VI information to internal and external customers;
- Collaborating with TDEC staff and sub-recipients to promote and improve Title VI compliance and to resolve any deficiencies;
- Addressing Title VI complaints promptly;
- Engaging with U.S. EPA's Environmental Justice personnel and other state Environmental Justice Coordinators;
- Coordinating and implementing TDEC's Limited English Proficiency (LEP) Program;
- Coordinating and facilitating LEP training for TDEC staff and LEP/Title VI Contacts;
- Troubleshooting with language and translation service providers to address TDEC staff concerns regarding accessing language services for LEP customers;
- Engaging and partnering with the communities potentially impacted by environmental justice to develop long-term connections with community organizations and historically underserved communities;
- Developing an Environmental Justice framework for TDEC;
- Maintaining records of Title VI matters; and

- Compiling and submitting the annual Title VI Plan report to THRC.

LEP/TITLE VI CONTACTS

Each division, park, and field office is equipped with an LEP/Title VI Contact who is responsible for facilitating staff training completion, sub-recipient compliance with training, training staff regarding LEP and the provision of language assistance services, identifying bilingual staff, maintaining an LEP log, assisting in the provision of language assistance services to LEP individuals, and managing an inventory of division documents available in a language other than English. The LEP/Title VI contact provides division compliance information to the Title VI Coordinator. The responsibilities of LEP/Title VI Contacts are more fully outlined in TDEC's Limited English Proficiency (LEP) Policy and Procedures provided in *Section 10. Limited English Proficiency (LEP)* of this document.

TITLE VI COMPLAINT OFFICER

The Title VI Complaint Officer is situated in the Division of Internal Audit. The Title VI Complaint Officer is charged with timely investigation of all Title VI complaints alleging Title VI discrimination by TDEC and/or its sub-recipients that are filed with the Department. Title VI complaints alleging unlawful discrimination on the grounds of race, color, or national origin by TDEC or its sub-recipients may be directed to Title VI Complaint Officer Lawanda Johnson at Lawanda.M.Johnson@tn.gov or 615-253-3400.

TITLE VI COMPLAINT OFFICER RESPONSIBILITIES

- Investigates all Title VI complaints alleging Title VI discrimination by TDEC and/or its sub-recipients that are filed with the Department until resolution.
- Performs audits, including desk audits and on-site audits, of sub-recipients, including verification of Title VI compliance.
- Collaborates with the Title VI Coordinator to ensure the timely resolution and reporting of all Title VI complaints to the THRC and other pertinent compliance monitors.

7.

DISCRIMINATORY PRACTICES

The following are prohibited discrimination practices under Title VI, which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”:

- Deny an individual any service, opportunity, or other benefit for which such individual is otherwise qualified;
- Provide any individual with any service, or other benefit, which is inferior, in quantity or quality to, or which is provided in a different manner from that which is provided to others;
- Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
- Restrict an individual in any way in the enjoyment of services, facilities, or any other advantage, privilege or other benefit provided to others.* (e.g., to deny Asian Americans the right to reserve available meeting rooms at Montgomery Bell State Park but permitting white Americans to reserve available meeting rooms);
- Adopt or use methods of administration which would limit participation by any group of recipients or subject any individual to discrimination;
- Address an individual in a manner that denotes inferiority because of race, color, or national origin;
- Permit discriminatory activity in a facility built in whole or in part with federal funds;
- Fail to advise the population eligible to be served or benefited by any federally-funded programs that such programs exist;
- Deny any individual the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally-funded program;
- Locate a facility in a way that would limit or impede access to a federally-funded service or benefit.

8.

FEDERAL PROGRAMS OR ACTIVITIES

In Fiscal Year 2018-2019, TDEC received federal funding from the Department of Defense, the Department of Energy, the Department of Health and Human Services, the Department of the Interior, the U.S. Environmental Protection Agency, the Federal Emergency Management Agency, the Federal Highway Administration, and Superfund. Provided below is a table of federal funds received from those entities.

Attached in an excel file as **Appendix II** is the recommended budget for Fiscal Year 2018-19 which details the federal funds provided and the TDEC divisions utilizing those funds. Descriptions of each program and activity operating with federal funding are provided in *Section 2. Overview* of this document.

Federal Entity	Funds
Department of Defense	\$ 548,800
Department of Energy	\$ 7,950,900
Department of Health & Human Services	\$ 152,500
Department of the Interior	\$ 3,317,100
U.S. Environmental Protection Agency	\$68,721,800
Federal Emergency Management Agency	\$ 224,500
Federal Highway Administration	\$ 2,220,100
Superfund	\$ 129,000
Other	\$ 1,337,700
Total:	\$84,602,400

9.

DATA COLLECTION AND ANALYSIS

TDEC collects data regarding the beneficiaries of its services and the agency's staff through the use of census data, internal division collection of data from beneficiaries and sub-recipients, the Office of People & Organizational Development's review of data from TDEC employees, Procurement's analysis of vendors, beneficiaries, contractors, and sub-recipients, and internal and external customer service surveys.

One objective of TDEC's data collection is identifying the impact and participation of protected groups in environmental and conservation programs. Analysis of this data allows TDEC to evaluate current inclusion of traditionally underrepresented groups and identify opportunities for greater participation.

THRC has determined that the use of census data is sufficient as a description of how State of Tennessee departments and agencies who primarily act in a regulatory role collect data. TDEC is primarily a regulatory agency; therefore, while it works to reduce barriers to all customers, it regulates customers pursuant to its statutory obligations. TDEC's state parks and natural areas enjoy incredible attendance by Tennesseans, but since parks and natural areas are open access, TDEC is unable to quantify the race or ethnicity of beneficiaries served. In the current fiscal year, TDEC is examining ways to utilize existing surveys in different divisions of the department to assess beneficiary access and use of TDEC programs and services.

TDEC uses census data to describe the beneficiaries of its federally funded programs with statewide reach. Census data regarding the beneficiaries of the agency's services is provided in the table below, and is applicable to all federally funded programs listed in *Section 8. Federal Programs or Activities*.

Additional detail is provided for the TDEC program areas which interact with specific regions or communities on a more direct basis.

STATE-WIDE BENEFICIARIES

State of Tennessee, 2018 Census Estimate

Total Population	6,770,010
White	78.5%
Black or African American	17.1%
American Indian and Alaska Native	0.5%
Asian	1.9%
Native Hawaiian and Other Pacific Islander	0.1%
Persons reporting two or more races	2.0%
Hispanic or Latino origin	5.6%
White, not Hispanic	73.7%

LOCAL BENEFICIARIES OF THE TENNESSEE GEOLOGIC SURVEY AND WEST TENNESSEE RIVER BASIN AUTHORITY

In fiscal year 2018-2019, the **Tennessee Geologic Survey** received \$66,555 from the U.S. Geological Survey, in the Department of the Interior, for the purpose of geologic mapping. The counties served include Claiborne, Crockett, Dyer, Fentress, Gibson, Grainger, Hamblen, Jefferson, Lauderdale, Monroe, Pickett, Roane, Scott, and Sevier. The racial and ethnic data census estimates for 2018 for these beneficiaries are represented in the following table:

Percent Population by County	Claiborne	Crockett	Dyer	Fentress	Gibson	Grainger	Hamblen
White alone, 2018	96.4	82.5	82.7	97.7	79.6	97.1	91.4
Black or African American, alone, 2018 ^a	1.2	14.3	14.3	0.5	18.1	1.0	4.4
American Indian and Alaska Native alone, 2018 ^a	0.4	0.7	0.4	0.4	0.3	0.4	0.9
Asian alone, 2018 ^a	0.7	0.3	0.8	0.3	0.3	0.3	1.1
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	Z	Z	Z	Z	0.1	0.3
Two or More Races, 2018	1.4	2.1	1.8	1.1	1.7	1.2	2.0
Hispanic or Latino, 2018 ^b	1.3	10.9	3.6	1.6	2.8	3.5	12.0
Percent Population by County	Jefferson	Lauderdale	Monroe	Pickett	Roane	Scott	Sevier
White alone, 2018	95.4	62.2	94.8	98.4	94.3	98.1	95.2
Black or African American, alone, 2018 ^a	2.1	34.8	2.2	0.2	2.7	0.3	1.3
American Indian and Alaska Native alone, 2018 ^a	0.5	0.8	0.6	0.4	0.5	0.3	0.6
Asian alone, 2018 ^a	0.6	0.6	0.5	0.1	0.6	0.3	1.3
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	0.1	Z	0.1	0.1	0.1	Z	Z
Two or More Races, 2018	1.3	1.6	1.8	0.9	1.9	1.0	1.5
Hispanic or Latino, 2018 ^b	3.9	2.6	4.7	2.0	2.0	1.0	6.3

^a Includes persons reporting only one race

^b Hispanics may be of any race, so also are included in applicable race categories.

Z Value greater than zero but less than half unit of measure shown.

* Source U.S. Census Bureau: State and County QuickFacts.

In fiscal year 2018-2019, the **Tennessee Geologic Survey** received \$14,518.61 from the Environmental Protection Agency Region 4 Wetland Program for the purpose of collecting stream morphological data at key water quality reference sites in Tennessee. The counties served include Bledsoe, Coffee, Hardin, Johnson, Lewis, Maury, Moore, Rhea, Robertson, Wayne, and Wilson. The racial and ethnic data census estimates for 2018 for these beneficiaries are represented in the following table:

Population Served by County	Bledsoe	Coffee	Hardin	Johnson	Lewis	Maury
White alone, 2018	90.6%	92.3%	93.9%	95.9%	95.3%	84.4%
Black or African American, alone, 2018 ^a	7.1%	3.9%	3.3%	2.3%	2.1%	11.9%
American Indian and Alaska Native alone, 2018 ^a	0.6%	0.5%	0.6%	0.4%	0.6%	0.5%
Asian alone, 2018 ^a	0.3%	1.1%	0.5%	0.3%	0.6%	1.0%
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	0.1%	Z	Z	Z	0.1
Two or More Races, 2018	1.4%	2.2%	1.5%	1.1%	1.4%	2.2%
Hispanic or Latino, 2018 ^b	2.5%	4.4%	2.8%	2.2%	2.4%	6.1%
Population Served by County	Moore	Rhea	Robertson	Wayne	Wilson	
White alone, 2018	94.6%	94.7%	89.3%	91.8%	88.6%	
Black or African American, alone, 2018 ^a	2.8%	2.2%	7.6%	6.4%	7.3%	
American Indian and Alaska Native alone, 2018 ^a	0.3%	0.6%	0.6%	0.4%	0.5%	
Asian alone, 2018 ^a	0.8%	0.6%	0.7%	0.3%	1.7%	
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	0.1%	0.1%	Z	0.1%	
Two or More Races, 2018	1.4%	1.9%	1.6%	1.0%	1.9%	
Hispanic or Latino, 2018 ^b	2.0%	5.4%	7.3%	2.1%	4.5%	

^a Includes persons reporting only one race

^b Hispanics may be of any race, so also are included in applicable race categories.

Z Value greater than zero but less than half unit of measure shown.

* Source U.S. Census Bureau: State and County QuickFacts.

In fiscal year 2018-2019, the **West Tennessee River Basin Authority (WTRBA)** received no federal funding. WTRBA provided services to twenty (20) counties located in West Tennessee, including: Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Tipton, and

Weakley. The racial and ethnic data for the beneficiaries of the services of WTRBA are in the table below. The numbers are based on 2018 census estimates.

Percent Population by County	Benton	Carroll	Chester	Crockett	Decatur	Dyer	Fayette
White alone, 2018	94.7	86.7	87.2	82.5	94.8	82.7	70.2
Black or African American, alone, 2018 ^a	2.5	10.2	9.5	14.3	3.0	14.3	27.7
American Indian and Alaska Native alone, 2018 ^a	0.6	0.6	0.5	0.7	0.4	0.4	0.4
Asian alone, 2018 ^a	0.6	0.4	0.8	0.3	0.5	0.8	0.7
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	Z	Z	Z	0.1	Z	Z
Two or More Races, 2018	1.6	2.0	2.0	2.1	1.2	1.8	1.0
Hispanic or Latino, 2018 ^b	2.5	2.8	2.8	10.9	3.3	3.6	2.9
Percent Population by County	Gibson	Hardeman	Hardin	Haywood	Henders on	Henry	Lake
White alone, 2018	79.6	55.3	93.9	47.3	89.4	89.6	68.6
Black or African American, alone, 2018 ^a	18.1	42.2	3.3	50.7	7.8	7.6	28.7
American Indian and Alaska Native alone, 2018 ^a	0.3	0.3	0.6	0.4	0.3	0.4	0.5
Asian alone, 2018 ^a	0.3	0.8	0.5	0.3	0.3	0.5	0.2
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	Z	Z	0.1	Z	Z	Z
Two or More Races, 2018	1.7	1.4	1.5	1.2	2.1	1.8	1.9
Hispanic or Latino, 2018 ^b	2.8	1.8	2.8	4.4	2.3	2.8	2.4
Percent Population by County	Lauderdale	McNairy	Madison	Obion	Tipton	Weakley	
White alone, 2018	62.2	91.5	59.0	86.7	78.1	89.0	
Black or African American, alone, 2018 ^a	34.8	6.1	37.8	10.8	18.5	7.7	
American Indian and Alaska Native alone, 2018 ^a	0.8	0.4	0.4	0.3	0.5	0.4	

Asian alone, 2018 ^a	0.6	0.3	1.1	0.5	0.7	1.2	
Native Hawaiian and Other Pacific Islander alone, 2018 ^a	Z	Z	Z	0.1	0.2	Z	
Two or More Races, 2018	1.6	1.7	1.7	1.6	2.0	1.6	
Hispanic or Latino, 2018 ^b	2.6	2.2	4.0	4.6	2.8	2.7	

^a Includes persons reporting only one race

^b Hispanics may be of any race, so also are included in applicable race categories.

Z Value greater than zero but less than half unit of measure shown.

* Source U.S. Census Bureau: State and County QuickFacts.

TDEC STAFF

As of June 2019, TDEC has a total of 2906 employees. Of those, 1417 (48.8%) are in preferred service and 1489 (51.2%) are in non-preferred service. 1625 or 55.9% of total employees self-identify as male and 1281 or 44.1% self-identify as female. The composition of staff by ethnic group, including the total number and percentage, is provided in the chart below. All information is self-reported.

TDEC: All Staff

Ethnic Group		%	Number
Asian		1.1%	32
Black		5.1%	148
Hispanic		0.6%	18
Native American		0.1%	3
Pacific Islander		0.0%	0
Other		1.0%	29
Unknown		0.9%	27
White		91.2%	2649
	Total	100.0%	2906

As of June 2019, 1417 of TDEC's employees are preferred service. 550 or 38.8% of TDEC's preferred service staff identify as female and 867 or 61.2%, identify as male. The composition of TDEC's preferred service staff by ethnic group, including the total number and percentage, is provided in the chart below.

TDEC: Preferred Service Staff

Ethnic Group		%	Number
Asian		1.7%	24
Black		6.1%	86
Hispanic		0.5%	7
Native American		0.2%	3
Pacific Islander		0.0%	0

Other		1.4%	20
Unknown		0.4%	6
White		89.7%	1271
	Total	100.0%	1417

TDEC has a total of 1489 non-preferred service employees as of June 2019. Of those, 50.9% (758 individuals) self-identify as male and 49.1% (731 individuals) self-identify as female. The composition of TDEC’s non-preferred service staff by ethnic group, including the total number and percentage, is provided in the chart below. All information is self-reported.

Ethnic Group		%	Number
Asian		0.5%	8
Black		4.2%	62
Hispanic		0.7%	11
Native American		0.0%	0
Pacific Islander		0.0%	0
Other		0.6%	9
Unknown		1.4%	21
White		92.5%	1378
	Total	100.0%	1489

An excel file providing demographics of TDEC staff is attached hereto as Appendix III.

TDEC recognizes that the demographics for its employees are not the same as those of the population of the state generally. To promote diversity in its workforce, TDEC developed a working group, the Strategic Diversity and Inclusion Initiative (SDII). The purpose of this working group is to retain and increase the number of individuals in underrepresented groups in the TDEC workforce and to position the agency in the communities it represents as an employer of choice. This ten-member taskforce meets on an approximately monthly basis. Some of its current goals include incorporating inclusion and diversity into critical agency trainings, such as the Green Leadership Program, and engaging in additional recruitment efforts.

SDII hosted its first inclusion event on October 11, 2018, entitled “Diversity is Sweet.” The event took place both at Central Office in Nashville and the Memphis Environmental Field Office. TDEC staff were invited to register to bake and bring a traditional family dessert. About twenty staff from Central Office and twelve staff from Memphis brought family recipes. There was excellent attendance as TDEC staff sampled desserts and voted for favorites.

SDII hosted its first recruitment event, Meet TDEC, at the Knoxville Environmental Field Office this spring. The event was attended by about 100 college students and potential future TDEC employees. Based on the success of that event, SDII plans to host similar Meet TDEC events at each of its regional offices throughout the state.

10.

LIMITED ENGLISH PROFICIENCY

As part of TDEC’s ongoing self-evaluation and continued efforts to strengthen Title VI compliance and provide great customer service to all beneficiaries, on October 3, 2017, TDEC established revised Limited English Proficiency (LEP) Policy and Procedures. A copy of the revised policy is attached as **Appendix IV**.

STEPS AND GOALS TOWARD BREAKING DOWN BARRIERS TO LEP CHALLENGES

TDEC works to break down barriers that LEP individuals may encounter in their experiences with TDEC by providing a notice of language assistance and language assistance webpage, by posting “I Speak” cards at field offices and parks, and by utilizing LEP/Title VI Contacts in each division, field office, and park to support LEP customers.

To support LEP customer access to TDEC’s programs, services, and benefits, the TDEC homepage and each division homepage – Air, Archaeology, Energy, Geology, Natural Areas, Policy & Sustainable Practices, Radiation, Recreation Services, Small Business Environmental Assistance, Solid Waste, State Parks, Underground Storage Tanks, and Water – hosts a notice that TDEC provides free language assistance to LEP customers at the bottom of the main body of the homepage. This same notice is also posted on the homepages for Permits and for Public Participation. The notice links to the Language Assistance webpage, which provides contact information, including name, email address, and phone number, for obtaining language assistance from different divisions. The Language Assistance webpage also provides its notice of free language assistance for LEP customers in Spanish, Mandarin, Vietnamese, Hindi, and Korean, languages most frequently encountered by staff.

As a new measure to ensure access to interpretation services for our field staff, in the 2018-2019 fiscal year, the Title VI Coordinator worked with each Environmental Field Office and the Office of Property and Procurement to place copies of our language assistance guide in each state vehicle utilized by TDEC staff. At this time, any staff member in the field utilizing a state vehicle has the language assistance guide – which includes a step by step explanation of when and how to provide language assistance and how to report the LEP encounter – at his or her fingertips no matter where s/he is working that day.

As discussed in *Section VI. Civil Rights Office* discussed hereinabove, to facilitate providing excellent customer service to TDEC’s customers, a LEP/Title VI Contact is trained in each division, field office, and park as the liaison for the provision of language assistance. The LEP/Title VI Contacts are equipped with TDEC’s current LEP Policy and Procedure as well as a fillable LEP log, the division’s account information for accessing language assistance services, the names and contact information of division bilingual staff¹, an inventory of all division documents in languages other than English, “I Speak” cards and posters, an informational power

¹ TDEC’s LEP Policy and Procedure provides guidance as to when it is appropriate to use bilingual staff; provision of language assistance through contracted telephonic interpreters is the standard.

point to use to train staff, and application forms to open accounts with language service providers.

In the current fiscal year, as in the past fiscal year, TDEC's Title VI Coordinator will provide administrative staff an informational presentation to assist them in effectively responding to the needs of LEP persons. In this fiscal year, as in last, LEP/Title VI Contacts will be given more in-depth training regarding LEP policy and procedure as well as Title VI compliance and will be responsible for training their division staff. To further support LEP Contacts, the Title VI Coordinator has created intranet pages with resources for TDEC staff related to Title VI and LEP, including LEP logs, language assistance account information, best practices for providing language assistance, sample educational presentations, directions for utilizing language assistance providers, the LEP policy and procedure documentation, guidance for utilizing EPA EJSscreen and other tools to assess potential LEP needs in the community prior to engagement, and the public participation toolkit, which provides step-by-step guidance for providing quality interactions with the community, including specific consideration of potential LEP needs and meeting those needs.

In the 2018-2019 fiscal year, the Title VI Coordinator worked closely with the Women in Science & Engineering (WiSE) group, the Division of Remediation, the Division of Water Resources, the Bureau of Parks & Recreation, and Office of Energy Programs to prepare for LEP encounters with customers and to more closely monitor the potential LEP needs of customers. During 2018-2019, the Title VI Coordinator provided a specialized training to WiSE regarding how to provide excellent customer service to LEP customers with an emphasis on how to approach cultural differences. The Title VI Coordinator provided additional trainings on LEP to the Division of Remediation, Division of Water Resources, and Division of Air Pollution Control at their annual retreats. In addition, the Division of Remediation and Division of Energy Programs engaged in discussions about how to best utilize the public participation toolkit in their customer engagement.

The Title VI Coordinator worked with the Division of Remediation and Division of Water Resources to have customer correspondence translated into other languages for customers. The Office of Policy and Sustainable Practices also had a postcard directed at restaurants regarding participation in the Get Food Smart TN program translated into Spanish and utilized it in a direct mail campaign.

TDEC also worked to enhance its use of surveys with customers to assess engagement and accessibility of programs in 2018-2019. For example, the Bureau of Parks & Recreation is utilizing an extensive voluntary customer satisfaction survey for its overnight hospitality customers and has included requests for self-identification of demographic information in that survey. From June 2018-June 2019, they received over 9,300 responses to the survey with 95.94% of respondents self-identifying as white, 1.11% as black, .6% as Asian, and 1.1% as Other. The Bureau uses these surveys to evaluate the quality of customer interactions and to evaluate services at each park individually as well as to evaluate services and interactions more globally. The Bureau is exploring expanding use of surveys to a broader representation of customers who participate in other parks activities.

Continuing into the current fiscal year, the Division of Remediation is developing a post-class survey with notice of language assistance to accompany its customer outreach trainings with the intent to more closely assess the satisfaction of its customers and the need for interpretation and translation services.

In fiscal year 2018-2019, TDEC utilized the services of AVAZA Language Services Corporation and Linguistica International to facilitate telephonic interpretation and written translation. In-person interpretation may be provided by bilingual staff and is contracted for, as necessary, through AVAZA and Linguistica International. TDEC has also previously used the court system interpreters, when appropriate.

Based on feedback from TDEC’s LEP/Title VI Contacts, the Title VI Coordinator will evaluate current efforts to break down barriers to LEP customer access to TDEC programs, services, and benefits and revise TDEC’s approach as appropriate in the upcoming fiscal year.

TDEC DOCUMENTS IN LANGUAGES OTHER THAN ENGLISH

A list of TDEC documents in a language other than English is provided below and **the documents are attached hereto, collectively, as Appendix V.** The Get Food Smart Brochure was translated in fiscal year 2018-2019 and used in direct mailing with customers.

Get Food Smart Brochure	Spanish
Burgess Falls State Park historical brochure	Spanish
Radon Toolkit Instructions	Spanish
Radon Awareness Brochure	Spanish
Ethanol Blended Fuels	Arabic
	Chinese
	Hindi
	Korean
	Kurdish
	Vietnamese
Operator Classes	Arabic
	Chinese
	Hindi
	Korean
	Kurdish
	Vietnamese
Red Tag Process	Arabic
	Chinese
	Hindi
	Korean
	Kurdish

	Vietnamese
Tank Owners Manual	Arabic
	Chinese
	Hindi
	Korean
	Kurdish
	Vietnamese
Tank School Slides	Arabic
	Chinese
	Hindi
	Korean
	Kurdish
	Vietnamese

LANGUAGES ENCOUNTERED DURING FISCAL YEAR 2018-2019

In the prior fiscal year, all divisions, parks, and environmental field offices retained a log of LEP encounters that required the use of outside language assistance services as well as the use of bilingual staff. TDEC’s rate of LEP encounters remained about the same as it has for the past several years.

The LEP log is provided in the chart hereinbelow.

Language	Interaction Type	Number
Spanish	Interpretation	19
Spanish	Translation	3
Korean	Interpretation	2
Mandarin	Interpretation	2
German	Interpretation	1
Total		27

In the current fiscal year, staff will continue to document LEP encounters. Each division Title VI/LEP Contact and the Title VI Coordinator will continue examining our encounters to assess what additional steps should be taken to make materials accessible for all customers.

11.

COMPLAINT PROCEDURES

As part of TDEC's continuing efforts to comply with Title VI and to make its programs and services accessible to all beneficiaries, TDEC has streamlined its policy and procedures with respect to filing Title VI complaints. The complaint procedures are as follows, and may also be accessed on TDEC's Title VI website.

TITLE VI COMPLAINTS OF DISCRIMINATION

Title VI complaints must be submitted *in writing, signed, and submitted within 180 calendar days of the alleged discriminatory act.* The complaint may be filed with the allegedly discriminating agency, the Tennessee Human Rights Commission (THRC), the relevant state agency, or the relevant federal agency.

The following information should be included in a Title VI complaint:

- The name, address, and telephone number of the complaining party. **The complaint must be signed and filed within 180 calendar days of the alleged discriminatory act.** If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (for example: friend, attorney, parent, etc.).
- The name and address of the agency, institution, or department alleged to have committed the discriminatory act.
- How, why, and when the discriminatory act(s) occurred. Please include as much background information as possible about the alleged acts of discrimination. Include names of individuals involved in the discrimination, if you know them, as well as any other relevant information.
- The names, addresses, and phone numbers of any witnesses, if known, that the investigating agency may contact for additional information to support or clarify your allegations.
- The complaint should be sent to the TDEC Title VI Coordinator, Chad Kimes, William R. Snodgrass TN Tower, 312 Rosa L. Parks Ave., 2nd Floor, Nashville, TN 37243. The Title VI Coordinator will evaluate the claim, log it, and distribute it to TDEC's Title VI Complaint Officer.
- The THRC Title VI Compliance Program will be notified of any complaints within ten (10) business days of receipt.

DISCLAIMER: Please do not submit confidential information, such as your Social Security Number, Driver's License number, or birthdate with your Title VI Complaint to TDEC.

Upon receipt of the complaint, the TDEC Title VI staff will evaluate jurisdiction, the need for additional information, and investigate the merit of the complaint. If the complaint is filed by an internal party, TDEC does not have jurisdiction and will forward it to the appropriate agency having jurisdiction to review it.

If TDEC has jurisdiction to investigate, TDEC’s Complaint Officer will investigate the complaint and notify parties of the final decision in writing. If the investigation indicates that a violation did not occur, the department will notify the parties of the final decision in writing.

If complainant is not satisfied with the results of the investigation, the complainant may appeal to the THRC or appropriate Federal agency within thirty (30) days.

Complainants also have the option to file a complaint directly with THRC or the appropriate Federal agency within 180 days of the alleged discrimination. THRC may be reached by phone at (615) 741-5825 or toll free at 1(800) 251-3589 or at:

William R. Snodgrass Tennessee Tower
312 Rosa L Parks Ave, 23rd Floor
Nashville, TN 37243

For more information regarding TDEC’s Title VI program, please contact:

TDEC Title VI Coordinator:

Chad Kimes
(615) 532-8739
Chad.Kimes@tn.gov

TDEC Title VI Complaint Officer:

Lawanda Johnson
(615) 253-3400
Lawanda.M.Johnson@tn.gov

TITLE VI COMPLAINTS FILED DURING THE MOST RECENT STATE FISCAL YEAR

Number of complaints closed for on administrative grounds (e.g. timeliness, failure to cooperate, etc.)	0
Number of complaints closed for failure to meet a prima facie case	0
Number of complaints closed because settlement and/or resolution reached	0
Number of complaints immediately referred to another state or federal department or agency	0

TDEC received zero Title VI complaints during fiscal year 2018-2019.

LAWSUITS FILED ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN DURING THE MOST RECENT FISCAL YEAR

There were no lawsuits filed alleging discrimination on the basis of race, color, or national origin under any federally funded program or activity.

COPIES OF ANY COMPLAINT FORMS

There are none to be attached as TDEC received no Title VI complaints during the most recent fiscal year.

12. TITLE VI TRAINING PLAN

TDEC TITLE VI TRAINING DETAILS

TDEC's Title VI training assists personnel and sub-recipients in complying with and carrying out departmental policies and federal regulations pertaining to Title VI of the Civil Rights Act of 1964 in their daily activities. The training provides comprehensive information on Title VI provisions, the TDEC Title VI Program, recipient and sub-recipient responsibilities and requirements, handling and processing complaints of discrimination, strategies to prevent discrimination in TDEC programs and activities, and the importance and scope of environmental justice and public participation.

TDEC staff complete Title VI Training through an online self-guided training module via Edison. All TDEC staff are automatically enrolled in the annual Title VI training, which is made available in the fall of each year and must be completed by the end of each fiscal year.

In fiscal year 2016-2017, the quiz appeared at the end of the training. In response to survey feedback, the revised fiscal year 2017-2018 training incorporated quiz questions throughout the training program. The fiscal year 2018-2019 training followed the same format and updated a few slides, including the Commissioner's introduction. A revised training for fiscal year 2019-2020 is being finalized at this time.

In order to receive a certificate of completion, staff must achieve a passing score of 80%. If staff fail to attain a score of 80% or higher on the quiz, then they must re-take the training module. Once staff have satisfactorily completed the training, the training module produces a Certificate of Completion, with the applicant's name, affiliation, and date of training.

TDEC sub-recipients are provided access to the online self-guided training module through the TDEC external website: <https://tdec.tn.gov/title6/>. Upon satisfactory completion of the training module, the sub-recipient receives a Certificate of Completion. In the alternative, sub-recipients may conduct their own in-house Title VI training and submit a class roster or post-webinar report as verification of training completion.

A copy of the fiscal year 2018-2019 training agenda, including the quiz, is provided as **Appendix VI**.

AGENCY STAFF TITLE VI TRAINING

As of June 30, 2019, TDEC had 1882 full-time staff. TDEC is very proud to note that 1768 or 94% completed the online annual Title VI training module during fiscal year 2018-2019. This is on par with training completion in the previous year. In the past four years, TDEC staff has demonstrated markedly greater commitment to Title VI. By comparison, in fiscal year 2015-2016 only 855 (36.1%) of TDEC employees completed the annual training.

TDEC attributes the substantial increase in staff compliance with annual Title VI requirements to the ease of access and availability of the online training module. The lowest compliance figures are attributed to park staff who had trouble completing the online training due to limited internet access and download speeds. To address the issue of reliable access to the training for these staff, TDEC copied the 2018-2019 Title VI training to flash drives and distributed them to Parks and Field Offices. Each field office has a secured computer on which the official training is loaded. Staff can complete the training and forward the certificate of completion to the Title VI Coordinator for manual entry into Edison.

For the first time this year, TDEC also tracked completion rates by part-time and seasonal staff. As of June 2019, TDEC had 1031 part-time or seasonal staff. Tracking completion rates is significantly more complex for our seasonal and part-time staff as many of these employees do not have access to computers or the internet as part of their daily work. Working with State Park staff, the Title VI Coordinator and Office of People & Organization Development made Title VI training available to those employees via a jump drive or direct download onto a desktop computer designated for training purposes. Staff complete the training in small groups and use a sign-in sheet. Then, the sign-in sheet must be submitted to the Title VI Coordinator for manual reconciliation of Edison enrollment and training completion. This process is further complicated by the lag in Edison processing of staff leaving service.

Despite these limitations, in our first year tracking completion, we found that over 42% or 434 part-time and seasonal employees did successfully complete the training and were registered as having completed the training. Based on anecdotal reports, we anticipate that the actual completion rate is significantly higher. In the upcoming fiscal year, the Title VI Coordinator will work with park staff to better account for staff completion and staffing lists in comparison with Edison reports for a more accurate count of training completion.

SUB-RECIPIENT TITLE VI TRAINING

Since TDEC updated its Title VI confirmation process in fiscal year 2017-2018, all grant and loan applicants for federal or hybrid federal-state funding are required to submit the Title VI pre-audit survey, complete with copies of their Title VI policy and procedures, LEP policy, and Title VI training materials as part of the grant or loan application process. Certification of Title VI Training Completion within the six months immediately preceding or following the award of the grant or loan must be submitted to the grant or loan administering program prior to the disbursement of any funds under the grant or loan. TDEC encourages sub-recipients to utilize its free online Title VI training program to fulfill the training requirement and most sub-recipients do prefer to utilize our online training. Where sub-recipients have limited access to the internet, the Title VI Coordinator provides a jump drive copy of the training, upon request, for their use. This approach has greatly streamlined Title VI compliance of sub-recipients for external and internal stakeholders.

During fiscal year 2018-2019, TDEC awarded 231 grants and 24 low-interest loans to sub-recipients utilizing federal or hybrid federal-state funding. All of these sub-recipients completed the Title VI pre-audit survey as part of the application process.

Each awardee is at a different step in the grant process and awardees that straddle multiple fiscal years may be reported in multiple annual reports. As of July 1, 2019, 238 or about 93% of the awardees have begun their Title VI Training Certification. Nearly 60% or 141 have submitted training certification and been approved; 36 have submitted training certification, but have not yet been reviewed; 7 have been reviewed and sent back for revisions; and 53 are still in process. Prior to being eligible for disbursement, each sub-recipient will have to submit their Title VI training certification and it must be approved by TDEC staff.

13.

SUB-RECIPIENT MONITORING

TDEC administers grants and loans through several divisions: Air Pollution Control (APC), the Office of Energy Programs (OEP), Materials Management in the Division of Solid Waste Management (DSWM), Recreation Education Services (RES), the Office of Policy and Sustainable Practices (OPSP), the State Revolving Loan Fund (SRF), the Division of Water Resources (DWR), and the Tennessee Historical Commission (THC). Each division is responsible for monitoring its sub-recipients. In addition, the TDEC Division of Internal Audit performs audits of a number of sub-recipients each year and specifically evaluates their compliance with Title VI.

In addition to the pre-award and post-award monitoring described hereinbelow, each grant and loan administering program requires contractual assurances from its sub-recipients. Specifically, the following is included in all sub-recipient grant contracts:

Nondiscrimination. The Grantee agrees that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Records. The Grantee and any approved subcontractor shall maintain documentation for all charges under this Grant Contract. The books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under this Grant Contract, shall be maintained for a period of five (5) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the Grantor State Agency, the Comptroller of the Treasury, or their duly appointed representatives.

SUB-RECIPIENT PRE-AWARD MONITORING – GRANTEEES AND LOAN RECIPIENTS

Since 2016, TDEC has required its sub-recipients to complete a **Title VI pre-audit survey, attached hereto as Appendix VII**, upon submission of an application for funding. This survey must be completed and returned to the grant or loan administering program as part of the application for funding.

Among other items, the pre-audit survey requires submission of the sub-recipients written policy of nondiscrimination, Limited English Proficiency plan, Title VI training program, and process and procedure for reviewing Title VI complaints. To support sub-recipients in developing Title VI compliant materials, TDEC makes available its own Title VI policy, poster, complaint process, LEP policy and procedure, and Title VI online training for the use and adoption of sub-recipients. These materials are available on TDEC's Title VI website.

In response to feedback from divisions, the Title VI Coordinator updated and revised the pre-audit survey to streamline reporting by sub-recipients and review by grant and loan administering programs. TDEC has launched online grant applications and management through a grants management system (GMS). GMS coordinates the submission of grant applications, including Title VI materials, and assists in the review and monitoring of grant performance. Currently, all granting divisions, with the exception of APC, DWR, and OPSP are utilizing GMS; these divisions have small granting programs that award zero to three grants on three year cycles or award grants utilizing exclusively state funds. SRF, which provides loans, also operates outside of GMS at this time.

All grant and loan applications, including those submitted through GMS and those submitted outside of GMS, included the pre-audit survey. TDEC divisions received 255 pre-audit surveys in fiscal year 2018-2019.

SUB-RECIPIENT PRE-AWARD MONITORING – VENDORS AND CONTRACTORS

The Department of General Services (DGS) is responsible for negotiating statewide service and goods contracts on behalf of all state agencies. DGS, as a recipient of FFA, is required to report annually to THRC. In that report, DGS details demographic information, pre-award and post-award procedures for Title VI compliance of statewide service contractors, and the inclusion of statement of assurances in contracts. Please see DGS' annual report for this information.

TDEC's internal procurements are reported in **Appendix IX**. TDEC's Fiscal Services does not conduct Title VI training for vendors and contractors at the pre-award stage. However, the contracts include the required assurances, as provided hereinabove. In addition, contractors and vendors are provided access to TDEC's online training module for Title VI as well as its other Title VI materials, including sample brochures, posters, and complaint process.

SUB-RECIPIENT POST-AWARD MONITORING

Post-award monitoring is undertaken by the grant and loan administering programs with additional audits by the Division of Internal Audit.

OEP, OPSP, DSWM, RES, and SRF engage in on-site monitoring of sub-recipients during the course of the grant term. In addition, all grant programs require submission of evidence of completion of sub-recipient Title VI training after the grant or loan is awarded, but prior to reimbursement or disbursement of funds under the grant or loan.

For the fiscal year ending June 30, 2019, TDEC's Division of Internal Audit monitored seventy (70) sub-recipients, totaling 205 grant and loan contracts. Nine (9) of the audits were on-site and sixty-one (61) were desk reviews. These audits include examination of sub-recipient's Title VI Pre-Audit Survey, including copies of Title VI policy, brochures, complaint process, and training policy, as well as the Title VI Training Certification, including the date and evidence of completion of Title VI training.

The findings of the Division of Internal Audit are attached hereto as Appendix VIII.

SUB-RECIPIENT TITLE VI TRAINING

See *Section 12. Title VI Training* for an in-depth discussion of TDEC's online training module for sub-recipients, procedures for monitoring sub-recipient completion of Title VI training, and sub-recipient Title VI training completion rates for the prior fiscal year. TDEC does require sub-recipients to demonstrate evidence of completion of Title VI training after award of a grant or loan and prior to the distribution of funds to that sub-recipient.

PROCEDURES FOR NON-COMPLIANCE

With the clarification of Title VI obligations to grant awarding divisions the pre-audit survey must be satisfactorily completed and all necessary documentation included as part of the grant application and evidence of Title VI training completion must be submitted prior to initial reimbursement, the likelihood of sub-recipient non-compliance is greatly reduced. Presently, the grant process is put on hold until the necessary Title VI information is provided by the sub-recipient to the grant awarding division.

In addition to this strategy, the Division of Internal Audit is tasked with auditing all grants and completes a report for each monitoring review. Documentation of Title VI compliance is requested from the sub-recipient during the monitoring review. If the sub-recipient is not in compliance with Title VI, it is noted and corrective action required. The Division of Internal Audit report is distributed to the Commissioner, Deputy Commissioners, the Division Director, and the Title VI Coordinator. If the report reflects non-compliance with Title VI, the Title VI Coordinator follows up with the sub-recipient to make the sub-recipient aware of the Title VI resources made available by TDEC for the use and customization of sub-recipients. The Division Director is responsible for making sure corrective action is taken by the sub-recipient.

In the past fiscal year, only three (3) or about 4% of the audited sub-recipients were found to be lacking in Title VI compliance; each of these has taken remedial action to fulfill Title VI requirements. This is very significant progress from prior fiscal years where close to half of audited sub-recipients were found to have a lack in their Title VI program.

Grant and loan administering programs withhold funding until Title VI compliance is achieved and work with sub-recipients to assist them in achieving full Title VI compliance. As described previously in this Section, TDEC makes its own Title VI resources, including an online training, available for the use and adoption of sub-recipients, contractors, and vendors.

TDEC did not have any agency sub-recipients or contractors found in noncompliance with Title VI by another state or federal agency during the past fiscal year.

IDENTIFY SUB-RECIPIENTS

APC, OEP, OPSP, Materials Management in the Division of Solid Waste Management, RES, SRF, DWR, and THC provide grants or loans to sub-recipients. A description of the responsibilities of those divisions is provided hereinabove at *Section 2. Overview*.

In fiscal year 2018-2019, TDEC made reimbursements to a total of 579 sub-recipients and 35 vendors. Funds administered by TDEC programs comprised a total of \$72,516,163.46 to sub-recipients and \$13,241,408.49 in vendor payments. SRF loans, utilizing federal or hybrid federal/state funding, were contracted for with a total potential funding amount of \$96,669,800.00.

A detailed explanation of each grant and loan program administered within TDEC is provided hereinbelow. **Appendix IX provides details on sub-recipients and vendors in fiscal year 2018-2019 and Appendix X provides information on SRF loan contracts executed in fiscal year 2018-2019.**

AIR POLLUTION CONTROL:

Tennessee Clean Diesel Grant

The Tennessee “Reducing Diesel Emissions for a Healthier Tennessee” rebate program is making grant funding available to entities in Tennessee to replace older, diesel vehicles with new dedicated, alternative-fuel vehicles that can run on propane, compressed natural gas (CNG), or electricity, or that are hybrids or that can be converted into a hybrid. This funding is EPA Clean Diesel funding and East Tennessee Clean Fuels is working with TDEC in managing this project and dispersing this funding.

OFFICE OF ENERGY PROGRAMS:

The Volkswagen (VW) Settlement

The Volkswagen (VW) Settlement is the result of a Clean Air Act violation that required VW to pay \$2.9 billion to fund projects across the country that will reduce NO_x emissions. These funds were placed in an Environmental Mitigation Trust and allocated among beneficiaries (States, Tribes, and certain territories) based on the number of impacted VW vehicles in their jurisdictions. Tennessee’s initial allocation based on the 2.0 and 3.0 liter partial settlements is \$45,759,914. TDEC was identified by Governor Haslam as the lead agency for purposes of administering Tennessee's Environmental Mitigation Trust allocation. OEP released in July for public comment a proposed Beneficiary Mitigation Plan for implementing the State’s initial allocation of \$45.7 million. 60% of the money will go toward reducing emissions from school buses, shuttle buses or transit buses. The rest of the funds will be allocated to reducing emissions from Class 4-8 local freight trucks, port drayage trucks and light-duty zero-emission vehicle supply equipment. These categories allow the state to target the two sectors that make up approximately 75% of Tennessee’s mobile NO_x emissions.

Tennessee Natural Gas and Propane Vehicle Grant Program

On January 11, 2018, TDEC's Office of Energy Programs (OEP) opened the application window for a second round of funding under the Tennessee Natural Gas and Propane Vehicle Grant Program. The purpose of the program is to incentivize the purchase of and/or conversion to natural gas or propane-powered light, medium, and heavy-duty vehicles. Managed by TDEC OEP, the program provides financial assistance to public, non-profit, and private fleets in Tennessee that apply to receive funding to purchase or convert a minimum of one eligible vehicle.

MATERIALS MANAGEMENT (DIVISION OF SOLID WASTE MANAGEMENT):

Access to Recycling Grants

The purpose of this grant program is to significantly increase recycling access to the five most populous counties through a comprehensive curbside recycling program by funding the purchase of recycling trucks and carts. The grant seeks to leverage the partnership funding of the participating local governments, private sector partners, and participating non-profits to provide synergy of resources and maximize effectiveness.

Upon full implementation, the State expects an increase in access to curbside single-stream recycling for households in the participating counties. Further, the State desires to increase data supporting best management practices and provide future bench marking for single-stream recycling.

Convenience Center Grants

The purpose of this grant is to provide funding assistance to eligible counties that need to enhance their collection assurance requirements through upgrades of existing sites, establishment of new sites or elimination and replacement of unmanned county collection systems (“Green Boxes”). Furthermore, this grant assists counties in meeting or exceeding the minimum level of collection assurance through a network of convenience centers or by supplementing higher levels of service, like household garbage pickup, and fulfills the requirements of T.C.A. § 68-211-851.

This grant supports the implementation of the 2015-2025 Solid Waste and Materials Management Plan and Objectives. It is Department’s intent with this grant to support local governments’ efforts toward developing a fully integrated solid waste management system. Successful proposals will demonstrate how the requested funding will improve collection assurance or; increase recycling access and participation (Objective 2), by enhancing drop-off and curbside programs; ensure sufficient and environmentally sound disposal (Objective 7).

Education and Outreach Grant

The Department acknowledges that there can be many effective approaches to consistently and regularly inform residents about their local recycling program. Education and Outreach grant funding is intended to promote your existing recycling and waste diversion programs, to increase the quantity of materials diverted from landfills, and to improve the quality of those materials. The primary purpose is to inform your residents what they can recycle, where they can recycle, and when they can recycle. Only after you have met these basic needs should you request funding for other purposes. The Recycling Education and Outreach Grant takes this into consideration by providing a tiered project recommendation system (below). If you operate a county convenience center or drop-off site, ensure that elements 1-4 have been achieved before focusing on other education and outreach program expansions. For curbside programs, the Department recommends ensuring achievement of element 5 before considering other program expansions. Where applicable, the Department recommends applying for projects along the following continuum to ensure that outreach efforts first utilize the strategies recommended by leading outreach agencies. The grant priority is to bring all programs up to at least the levels described in elements 1-5 before funding other projects outlined in elements 6-9. See Narrative Questions tab for examples and templates of such projects.

Education and Outreach Grant primarily supports the implementation of 2015-2025 Solid Waste and Materials Management Plan Objective 6. It is the Department's intent with this grant to support efforts of local governments, school districts, and non-profit entities toward consistent promotion of waste reduction, diversion, and recycling. Successful proposals will demonstrate how the projects will reach the largest audience or:

- Increase material tonnages (Objective 1)
- Increase recycling access and/or participation (Objective 2)
- Promote material processing and end use in Tennessee (Objective 3)
- Expand and focus education and outreach (Objective 6)

Household Hazardous Waste

The HHWCF Operations Grant Program supports the 2015-2025 Solid Waste and Materials Management Plan: Objective 2 - Increase Recycling Access and Participation and Objective 7 - Ensure Sufficient and Environmentally Sound Disposal. It is the Department's intent with this grant to increase access and participation by utilizing permanent and temporary collection sites. Enhancing the use of these facilities may be accomplished by providing additional training and technical assistance, growing the service area of the HHWCF through access to a broader population and by supporting material collection from Conditionally Exempt Small Quantity Generators and nearby school chemical clean outs.

Temporary collection infrastructure will have disposal services provided via State designated approved vendor, currently Clean Harbors Environmental Services.

The State reserves the right to partially fund projects based on the application pool to attain objectives of this grant and meet the goals of the State's 2015-2025 Solid Waste and Materials Management Plan. The applicant should clearly indicate key services or equipment for the project in their application.

Operations funding is for HHWCF operations only. Operation funding is determined by facility type, number of citizens served, ability to conduct service to local school districts, and HHW mobile events participation. Awardees may fund HHWCF salaries, waste disposal costs, professional services, personal protective equipment, supplies, and other costs directly related to daily operations of a HHWCF. Operations funding will be for initial one year offering with up to four annual renewals.

Hub and Spoke Grant

The Hub and Spoke Grants are available for all Tennessee counties, municipalities, and organizations which have been determined to be tax exempt nonprofit recycling organizations who are designated as 501(c)(3) by the Internal Revenue Service may apply for grants under T.C.A. §68-211-825. The Department has budgeted \$2,000,000 total for Hub and Spoke Grants. Of that amount, the Department has allocated \$1,000,000 for hub (processing) projects, and \$1,000,000 for spoke (collection) projects. No hub grant may exceed \$1,000,000 while no spoke grant may exceed \$300,000. A match of 10%-50% is required as indicated in the Hub and Spoke Grant Match Requirement Table. Grant awards will be made based on the estimates included in the grant application and will not be increased.

Priority for the Hub and Spoke Grant will be given to entities that provide written agreements with three or more local governments and entities requesting funding for programs in the Northwest Tennessee or First Tennessee Development Districts. Also consideration will be given to applicants demonstrating public/private partnerships.

Organics Management Grants

The Organics Management Grants are available for all Tennessee counties, municipalities, and organizations which have been determined to be tax exempt nonprofit recycling organizations who are designated as 501(c)(3) by the Internal Revenue Service may apply for grants under T.C.A. §68-211-825. Additionally, for-profit businesses will be considered for this grant offering, but will be subject to different contingencies than local governments and non-profit organizations, which will be agreed upon through a for-profit business specific contract. The Department has budgeted \$3,000,000 total for Organics Management Grants. No grant may exceed \$1,000,000. A match of 10%-50% is required.

The 2017 Organics Management Grant places emphasis on three priorities: Fostering public/private partnerships; Counties, municipalities, public institutions, or non-profit organizations providing new or expanded organics management services to their region; and pursuing reductions in wasted food and food waste through education, food recovery and donation, feeding animals, industrial uses, anaerobic digestion, composting, or other means deemed likely to significantly reduce, recover, and/or diverting food waste.

Recycling Equipment Grants

Recycling Equipment Grants are available to local governments and nonprofit recycling organizations working with local governments. Under T.C.A. §68-211-825(b), Davidson, Hamilton, Knox, Rutherford, and Shelby Counties and the cities within those counties eligible to receive a recycling rebate are not eligible to receive a recycling equipment grant. The rebate credits are in lieu of recycling equipment grants.

The Recycling Equipment Grant supports the implementation of 2015-2025 Solid Waste and Materials Management Plan objectives. It is the Department's intent with this grant to support efforts of local governments toward achieving their waste reduction and recycling goals. Successful proposals will demonstrate how the requested equipment will improve operating efficiencies or:

- Increase material tonnages (Objective 1)
- Increase recycling access and/or participation (Objective 2),
- Promote material processing and end use in Tennessee (Objective 3)
- Support new waste reduction and recycling technologies (Objective 5)

Recycling Rebates

The five eligible counties contain roughly 41% of the State's population and are responsible for approximately 44% of the municipal solid waste disposed in Tennessee. The Recycling Rebate Program is in lieu of the Recycling Equipment Program (T.C.A. §68-211-825(b)(2)) and supports the implementation of 2015-2025 Solid Waste and Materials Management Plan

Objectives. It is the Department's intent with this rebate to support local governments' efforts toward achieving their waste reduction and recycling goals.

Used Oil Grants

The purpose of the Used Oil Grant is to reduce the amount of improperly disposed used oil by providing incentives to increase the number of collection facilities for used oil generated by do-it-yourselfers.

T.C.A. §68-211-1005 states that the used oil collection fund may be used as follows:

- The Department may award grants, to municipalities, counties and counties having a metropolitan form of government to establish and operate used oil collection centers at publicly owned facilities or other suitable public or private locations; and provide technical assistance to persons who organize such programs. (§68-211-1005(2))
- The Department may award grants to local governments to purchase equipment that burns oil as fuel. In awarding such grants, priority shall be given to local governments to establish used oil collection centers. (§68-211-1005(3))

RECREATION EDUCATION SERVICES:

Recreation Educational Trail Program

The Recreation Educational Trail Program (RTP) is a federally funded, state administered grant program. RTP provides grant funding for land acquisition for trails, trails maintenance and restoration/rehabilitation, trail construction, and trail head support facilities. All grant projects must be on publicly owned land. Local, state and federal government agencies, state-chartered non-profit agencies with 501(c)(3) status that have written agreement with a government agency for trail management are eligible to apply for funding for eligible projects such as Urban hard surface trail development and natural surface trail development (construction and maintenance), restoration of trails damaged by use, development of trailside support facilities, educational and safety trail trainings.

Local Parks and Recreation Fund (LPRF) Grants

The Local Parks and Recreation Fund (LPRF) provides grants to eligible local government entities for the purchase of lands for parks, natural areas, greenways, and recreation facilities. The funds may also be used for trail development and capital projects in parks, natural areas, and greenways. At least sixty percent (60%) of the funds allocated will go to municipal governments as authorized by TC Sec. 67-4-409. All grant projects must be on publicly owned land. City and county governments are eligible to apply for funding to support eligible projects including land acquisition, indoor and outdoor recreation facilities, trail development.

DIVISION OF WATER RESOURCES

Water Quality Management Planning (WQMP)

The WQMP Grant is funded through EPA funding to implement the Clean Water Act Section 604 Water Quality Management Program. The funding is offered on a three-year cycle, and is currently midway through that cycle. Grants awarded support watershed management planning activities including supporting watershed management.

Clean Water State Revolving Fund (CWSRF)

The State Revolving Fund Loan Program administers Tennessee's CWSRF Loan Program. The CWSRF Program was created in order to provide low-interest loans to cities, counties, utility districts, and water/wastewater authorities for the planning, design, and construction of wastewater facilities.

Drinking Water State Revolving Fund (DWSRF)

The State Revolving Fund Loan Program administers Tennessee's DWSRF Loan Program. The DWSRF Program was created in order to provide low-interest loans to cities, counties, utility districts, and water/wastewater authorities for the planning, design, and construction of drinking water facilities.

OFFICE OF POLICY AND SUSTAINABLE PRACTICES

Clean Tennessee Energy Grant

The Clean Tennessee Energy Grant (CTEG) identified and funded projects that resulted in emissions reductions, utilization of new technology, and support of environmental and economic goals across the state. CTEG funding provided financial assistance to municipal government, county government, utility districts, and other entities created by statute (e.g. airport authority, housing authority) in Tennessee to purchase, install, and construct projects that fit into one of the following categories: Clean Alternative Energy such as biomass, geothermal, solar, and wind; Energy Conservation: Lighting, fenestration, HVAC improvements, improved fuel efficiency, insulation, idling minimization, and wastewater treatment technologies; or Air Quality Improvement: Carbon Dioxide (CO₂), Sulfur Dioxide (SO₂), Volatile Organic Compounds (VOCs), Oxides of Nitrogen (NO_x), Hazardous Air Pollutants (HAPs), Greenhouse Gases.

This program was funded through a federal Clean Air Act settlement with the Tennessee Valley Authority (TVA) and awarded its last set of external grants in September of 2017.

Tire Environmental Act Program

In 2015, the Tennessee Automotive Association partnered with TDEC and the General Assembly to establish the Tire Environmental Fund. At the time of the first retail sale in Tennessee of a new motor vehicle that is to be titled and registered in Tennessee, a flat fee based on the number of the vehicle's wheels is assessed. This fee is assessed to fund projects creating or supporting beneficial end use for waste tires.

The Tire Environmental Act Program provides financial assistance to private industries, municipal governments, county governments, and other entities in Tennessee to purchase, install, and construct projects that fit into one of the following eligible project categories: tire recycling, tire-derived product use, research, testing and development or facility improvements. The minimum grant request is \$10,000. The applicant must, at a minimum, match the grant amount requested.

TENNESSEE HISTORICAL COMMISSION:

Federal Preservation Grants

The Tennessee Historical Commission awards federally funded grants for historic preservation projects. The amount of funds available each year is decided when Congress passes the annual budget. The grants are matching grants and will pay up to 60% of the cost of approved project work. The remaining 40% must be provided by the grantee as matching funds.

The selection process will emphasize projects such as architectural and archaeological surveys, design guidelines for historic districts, and restoration of historic buildings that are listed in the National Register and have a public use. Priorities for grants will be based on the preservation plan *A Future for the Past: A Comprehensive Plan for Historic Preservation in Tennessee*.

Appendix IX is an excel file with information on each of TDEC's sub-recipient grants and vendors/contractors for Fiscal Year 2018-2019.

Appendix X is an excel file with the State Revolving Fund loans utilizing federal or hybrid federal-state funding put under contract in Fiscal Year 2018-2019. State Revolving Fund loans are competitive based on applications and a priority ranking list, which ranking criteria are determined by statute and federal requirements.

14.

PUBLIC NOTICE AND OUTREACH

TDEC'S DISSEMINATION OF INFORMATION

NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

A copy of the TDEC Title VI implementation plan is available for on-site review at: William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave., 2nd Floor, Nashville, TN 37243. Once approved by THRC, it will be made available on the TDEC Title VI and Environmental Justice website.

TDEC disseminates information about its nondiscrimination policy through numerous agency materials, including the Title VI poster and brochure, which are posted in TDEC facilities. TDEC also maintains a Title VI external website and an intranet website.

TDEC requires all of its sub-recipients and contractors to post Title VI materials. TDEC makes all of its Title VI materials available on its internal website as well as on its external website. The Title VI poster, brochure, complaint procedure, and complaint form can be accessed from TDEC's Title VI website. Finally, TDEC makes its Title VI and Environmental Justice training available for completion by external customers, sub-recipients, and contractors at: <https://tdec.tn.gov/title6/>.

PROGRAMS AND SERVICES

TDEC provides information about its programs and services on the TDEC website at <http://tn.gov/environment/>. TDEC's operating divisions have their own webpages, hosted on TDEC's external website. TDEC also maintains an Office of Communications and an Office of External Affairs (OEA). These divisions actively engage the public and the media regarding TDEC programs and services. TDEC has developed a public participation toolkit to be utilized by its program divisions to promote public engagement. The toolkit is described in more detail in the subsection "Documentation of Minority Input" hereinbelow. TDEC also hosts webpages for "Permits" associated with each program division that handles permits and a webpage entitled "Public Participation Opportunities", which provides links to the different types of public participation opportunities available to beneficiaries and stakeholders such as permits, notices, and hearings. The homepages for both "Permits" and "Public Participation Opportunities" include TDEC's notice of language assistance and link to TDEC's Language Assistance webpage to support engagement of LEP customers.

Office of Communications

The Office of Communications provides communications services for the department in the form of media communications, digital media communications, and internal communications.

The office includes the following positions:

- Director of Communications
- Deputy Director of Communications
- Video and Social Media Manager
- Digital Media Manager

- Communications Manager
- Web Administrator

The Communications team makes information available to minority audiences via news media, social media, and e-newsletters. Communications regularly sends out information about TDEC programs and services to the following publications/groups:

- **La Noticia**, Nashville, Davidson County
- **The Urban Journal**, Nashville, Davidson County
- **La Prensa Latina**, Memphis, Shelby County
- **Tri-State Defender**, Memphis, Shelby County
- **El Paisano**, McMinnville, Warren County
- **La Campana**, Franklin, Williamson County
- **Nashville Pride, Nashville**, Davidson County

These groups are included as regular practice on departmental announcements that could impact their coverage area.

Office of External Affairs (OEA): OEA provides outreach and communication to TDEC stakeholders, including local government, other government agencies, the regulated community, public interest groups, and citizens. The focus of OEA is to reflect organization emphasis on great customer service, create feedback loops and communication channels for citizens, customers, and stakeholders about TDEC’s work, and support organizational improvement across department activities.

OEA includes a director and eight Regional Directors located in TDEC Field Offices throughout the state of Tennessee in the cities of Chattanooga, Columbia, Cookeville, Jackson, Johnson City, Knoxville, Memphis, and Nashville. The Regional Directors engage in quality relationships with community stakeholders and proactively work with the community to provide effective communication and timely problem resolution.

A more in-depth explanation of the role of OEA is provided below in the subsection “Documentation of Minority Input”.

In addition to public notice and outreach provided through the TDEC website and its Communications Office and OEA, some divisions engage in their own outreach. Examples of such outreach are provided hereinbelow, organized by division:

Air Pollution Control (APC): Permits are noticed on the TDEC website and in local newspapers of general circulation. APC also has a publicly available dataviewer and publishes information regarding its regulatory board meetings. APC participates with associations and non-government organizations. Rulemaking notices are published in the TN Administrative Register online as well as on the TDEC website.

Division of Solid Waste Management (DSWM): The DSWM utilizes newspaper releases to communicate information related to hazardous waste permits that are being issued. In

addition, the DSWM uses the TDEC website to inform the public of solid waste permit modifications, applications associated with submittal of hazardous waste permits or renewals, request for public comments, and upcoming public meetings and hearings that are scheduled for both solid waste and hazardous waste permits. The DSWM maintains the Solid/Hazardous Waste Management Mailing List so that members of the public can request to have notices sent directly to their attention. DSWM has a publicly available dataviewer and publishes information about its regulatory board meetings. The Toxics program performs outreach at various events across the State of Tennessee during the year. The Materials Management (MM) program utilizes MyEmma and Direct Mail to other government entities as well as using the TDEC website and direct email to inform the public of available grants. MM solicits the input of local governments as part of its minority outreach.

Division of Water Resources (DWR): The DWR advertises its programs and services primarily using its website, social media, and email. Other methods of advertising include promotion at professional conferences and meetings, newspaper, and participation with associations and non-government organizations. The DWR ensures beneficiary access by utilizing extensive mailing and email lists, publishing all permit applications and information on the public Dataviewer, hosting public hearings, regulatory board meetings, and other stakeholder meetings, utilizing the public participation process with public notices, public comment and response to comment.

The State Revolving Fund in DWR conducts mass mailing to local governments as well as posting information to its website. The State Revolving Fund also attends conventions and events, such as those hosted by the Tennessee Association of Utility Districts and the Tennessee Municipal League, to meet with governmental representatives and promote the program.

In addition, working with many internal and external stakeholders, the State Revolving Fund is undertaking development of an “Ability to Pay” Index, which evaluates the financial need of potential applicants for funds based on a wealth of data, such as community demographics, resiliency, income levels, housing needs, health care access, population age, education level, and more. The intent of this Index is to more fully account for the needs of underserved communities and prioritize their access to critical funds.

Geology: This division distributes publications through a maps and publications sales office as well as on the internet. The division also participates in conventions, festivals, and shows such as the annual Centennial Park Earth Day Festival, Elsie Quarterman Cedar Glade Wildflower Festival, Knoxville Gem and Mineral Show, Middle Tennessee Gem and Mineral Society’s *Dig It Gem, Mineral, and Rock Festival*, Murfreesboro’s Annual Earth Day Celebration, National Wild Turkey Federation Convention, and Tennessee State Museum Artifact Discovery Day.

Office of Energy Programs (OEP): This division provides information to customers via workshops, conferences, email blasts and newsletters. A sampling of its outreach events for the past fiscal year, with a particular emphasis on minority outreach, is provided hereinbelow:

Location	Date	Community and/or Government or Municipal Partners	Brief Summary of Event or Activity
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Online webinar	7/17/2018	General public, local governments, and other VW stakeholders (fleet owners and operators)	Recorded online presentation to provide overview of TN's Proposed Beneficiary Mitigation Plan
Lebanon, TN	7/25/2018	School district transportation supervisors	Alternative Fuel Vehicle School Bus Workshop - Conducted a workshop for TN school districts on alternative fuel vehicle school bus options and their benefits
Knoxville, TN Tennessee Sustainable Transportation Forum and Expo (STFE)	9/17-18/2018	Non-profits, universities, local governments, local power companies, State government agencies, original equipment manufacturers (automotive companies), general public	Hosted STFE conference on how to improve transportation efficiency, reduce vehicle emissions, and address the mobility needs of all.
Michie, TN McNairy County School District Distressed County	9/19-9/20/2018	Michie Elementary School Low-income students – 100%	Hosted two no-cost K-12 Energy Education Workshops for 22 third through sixth grade students in the afterschool energy program.
Charleston, SC	9/25/2018	Representatives from Federal Highway Administration and EPA Region 4; regional sustainable transportation stakeholders and program personnel	Provided presentation on the State's administration of its VW Settlement EMT allocation; demonstrated the disproportionate burden index (DBI) for project evaluation; explained considerations for previous nonattainment areas/Distressed Counties under VW project evaluation
Murfreesboro, TN	11/01-11/02/2018	Tennessee Science Teachers Association Conference (TSTA)	Hosted a K-12 Energy Education Booth for 480+ attendees
Nashville, TN	11/15/2018	Various TVA stakeholders, including LPCs, associations, advocacy groups, local governments, universities, THDA, and TDEC	TVA's Energy Efficiency Information Exchange

Tracy City, TN Grundy County School District Distressed County	11/20/2018	Tracy City Elementary School Low-income students – 94%	Hosted two no-cost K-12 Energy Education Workshops for 331 pre-K through eighth grade students and 28 educators
Nashville, TN	1/23/2019	Members of the THDA Energy Efficiency & Weatherization Advisory Board, including personnel from THDA, TVA, TDEC OEP, private businesses, NGOs	THDA Energy Efficiency & Weatherization Advisory Board Mtng
Mountain City, TN Johnson County School District At-Risk County	2/07/2019	Roan Creek Elementary School Low-income students – 83%	Hosted a no-cost K-12 Energy Education KitBook workshop for 27 third through sixth grade students and three educators in the afterschool LEAPS program.
Washington, DC	2/11/2019	Energy Independence Summit	Participated on a panel to discuss TN’s plans for implementation of its VW Environmental Mitigation Trust allocation; spoke to questions of disproportionate burden and distressed counties and how these factors were being considered during the application review phase
Christiana, TN	3/12/2019	STEM Night Christiana Middle School	Hosted a K-12 Energy Education Booth for 150+ attendees
Loudon, TN Loudon County School District	3/25/2019	Fort Loudon Middle School Low-income Students – 73%	Hosted a no-cost K-12 Energy Education Workshop for 113 sixth grade students and educators.
Nashville, TN	4/17/2019	EV Ride and Drive for Metro Nashville DGS employees and the public	Provided education and outreach on electric vehicles to the public and to Metro Nashville DGS employees
Nashville, TN	4/18/2019	Nashville Commuter – TDEC Multimodal and Alternative Fuels Presentation	Hosted a booth promoting alternative fuels and multimodal transportation for TDEC employees

Jackson, TN	4/20/2019	Keep Jackson Beautiful Earth Day Festival	Hosted a K-12 Energy Education Booth for 600+ attendees
Nashville, TN	4/20/2019	Nashville Earth Day Festival at Centennial Park – Drive Electric Earth Day	Hosted a Drive Electric Earth Day booth and vehicle display for 1,000+ attendees
Bolivar, TN Hardeman County School District Distressed County	4/22/2019	Bolivar Middle School Low-income students - 91%	Hosted a no-cost K-12 Earth Day Energy Education Workshop for 125 eighth grade students and educators.
Linden, TN Perry County School District Distressed County	4/22/2019	Linden Middle School Low-income students - 94%	Hosted a no-cost K-12 Earth Day afterschool Energy Education Workshop for 33 fifth-eighth grade students and educators.
Madison, TN Davidson County School District	5/08/2019	Neely’s Bend Elementary School Low-income students - 87%	Hosted two no-cost K-12 Energy Education Workshops for 284 kindergarten-fourth grade students and educators.
Nashville, TN	5/14- 5/15/2019	STEM Innovation Summit	Hosted a K-12 Energy Education booth for 400+ attendees.
Nashville, TN	5/18/2019	American Lung Association’s LUNG FORCE Walk	Hosted a Tennessee Clean Fuels booth in coordination with East Tennessee Clean Fuels to provide LUNG FORCE Walk attendees with information on alternative fuels
Loudon, TN Loudon County School District	5/21/2019	Fort Loudon Middle School Low-income Students – 73%	STEM Quest Summer Camp - Hosted a no-cost K-12 Energy Education Workshop for 22 seventh-eighth grade students and educators.
Loudon, TN Loudon County School District	5/21/2019	Loudon Elementary School Low-income Students – 78%	STEM Quest Summer Camp - Hosted a no-cost K-12 Energy Education Workshop for 30 fourth-fifth grade students and educators.

Nashville, TN Davidson County School District	6/11/2019	Nashville Public Library	Play Like a Girl STEM Camp - Hosted a no-cost K-12 Energy Education Workshop for 22 fifth-sixth grade students and educators.
Jackson, TN Jackson- Madison County School District	6/12/2019	North Parkway Middle School Low-income Students – 74%	STEM Summer Camp - Hosted a no-cost K-12 Energy Education Workshop for 72 seventh-eighth grade students and educators.
Carthage, TN Smith County School District	6/13/2019	Smith County High School Low-income Students – 62%	STEM Summer Camp - Hosted a no-cost K-12 Energy Education Workshop for 45 sixth-eighth grade students and educators.
Hermitage, TN Davidson County School District	6/14/2019	Margaret Robertson Apartment Complex - Affordable Housing	Conducted an Energy presentation for 15 students and parents for the environmental education lunch and learns for kids at affordable housing complexes program
Cumberland County, TN	6/18- 6/20/2019	Cumberland Mountain State Park	Hosted a no-cost Energy Camp for 40 K-12 Educators
Carter County, TN	6/25- 6/27/2019	Roan Mountain State Park	Hosted a no-cost Energy Camp for 40 K-12 Educators
Minneapolis, MN	6/28/2019	McKnight Foundation – NASEO Energy Equity Taskforce Meeting	Participated in a NASEO Energy Equity Taskforce meeting to discuss Equity and Inclusion in Energy Processes, Stakeholder Engagement, and Policy and Program Development

Office of Policy and Sustainable Practices (OPSP): OPSP staff host a newsletter, The Catalyst, a podcast, The State of Sustainability, and write articles for environmental and trade magazines such as the Tennessee Conservationist. A sampling of OPSP outreach events is provided in a chart hereinbelow.

Environmental Education Initiative: Based on teacher surveys and feedback, this initiative provides environmentally-related education and outreach directed at K-12 students, teachers, and faculty with an emphasis on serving schools and students located in distressed or at-risk counties, low-income communities, or Title I/CEP schools where 40% or more of students qualify for free lunch. In fiscal year 2018-2019, this initiative assisted six schools and a total of 320 students in developing compost programs to divert their food waste from the landfill to usable compost. In addition, this initiative collaborated with Departments of Health & Human Services and Education and low-

income apartment complexes in Nashville and Knoxville to make free lunch and environmental education activities to approximately 1,000 students throughout the summers of 2018 and 2019.

TN Higher Education Sustainability Initiative: This initiative developed the first state College/Underserved Community Partnership Program (CUPP). CUPP, a program developed by the U.S. EPA, strives to connect underserved community needs with local higher education institutions. Through this partnership, underserved communities can obtain critical technical assistance and planning from qualified individuals at higher education institutions, while the participating students realize valuable work experience and course credit. For example, through this initiative the City of Pegram was able to connect with civil engineering students and faculty at Lipscomb University to have a new flood plan developed for an area of repetitive flooding, at no cost to the City of Pegram.

Based on student surveys, this initiative also identified that many higher education students are food-insecure. Working with external and internal partners, this initiative set up a food pantry at Roane State University for students.

Radon Outreach: The Tennessee Radon Program performs public outreach through all media outlets for targeted events such as National Radon Action Month. Press releases are accompanied by a governor’s proclamation, which increases media coverage. OPSP manages a radon email and hotline to allow customers to ask questions or request services at their convenience.

Green Star Partnership/P2: Outreach for the P2 program is mostly promotion of the workshops and webinars to assist the Tennessee Green Star Partners and other industry in attaining sustainability. Topics are driven by participants. Advertisement is through the OPSP website, Facebook page, email, and word of mouth. Monthly newsletter articles are written to recognize sustainable successes.

A list of OPSP’s outreach programs, through events and publications is included hereinbelow:

Location	Date	Brief Description	Attendees
Shanghai, China	7/7/2018	delivered a presentation on OPSP work, recycling and sustainable tire recycling projects funded by the Tire Environmental Act Program	36
Nashville, TN	7/20/2018	provided lunch and environmental education for children qualifying for free/reduced price lunch	75
Nashville, TN	7/27/2018	provided lunch and environmental education for children qualifying for free/reduced price lunch	75
Nashville, TN	8/3/2018	provided lunch and environmental education for children qualifying for free/reduced price lunch	100
Clarksville, TN	8/14/2018	Recognized environmental/sustainability accomplishments of Trane and officially welcomed them into the TGSP program	15

Nashville, TN	8/15/2018	Presentation on concepts of adaptive capacity, resilience, and food-energy-water nexus	50
Nashville, TN	8/23/2018	Presentation on the requirements to certify as a zero-waste-to-landfill facility	18
Knoxville, TN	7/17/2018	Conducted a radon workshop for teachers in the Knoxville area.	14
Caryville, TN	8/25/2018	Green Summer Fest at Cove Lake State Park where hosted an OPSP informational booth, radon workshop and PLT teacher training.	100
Lawrenceburg, TN	9/8/2018	Healthy Kids Summit at David Crockett State Park where hosted an OPSP informational booth.	150
Oak Ridge, TN	9/11/18-9/12/18	Safety Fest in Oak Ridge at the Y12 New Hope Center where hosted an OPSP informational booth with a focus on Radon.	200
Chattanooga, TN	9/29/2018	Spoke about GFS TN at the "Ugly Dinner" event hosted by the Main Street Farmers Market.	55
Johnson City, TN	10/6/2018	Radon information booth at ETSU game.	8,501
Johnson City, TN	10/27/2018	Radon information booth at ETSU game.	7,121
McNairy County	9/15/2018	Hosted 731 Fest which facilitates partnerships between communities, schools and TN State Parks in economically distressed counties to encourage radon awareness, economic development, environmental education, and sustainability.	400
Nashville, TN	11/3/2018	Booth at American Lung Association Lung Cancer Awareness event that promotes radon awareness.	~120+
Cookeville, TN	10/23/2018	Booth at TTU sustainability day to promote awareness for sustainable program and initiatives on campus and for students.	50
Johnson City, TN	1/3/2019	Radon information booth at ETSU game.	8,500
Johnson City, TN	2/16/2019	Radon information booth at ETSU game.	10,000
Johnson City, TN	1/9/2019	Presentation on Radon Awareness to the Johnson City Senior Center on 1/9/19. Asked to give an interview by WJHL television.	60
Johnson City, TN	2/4/2019	Presentation to the Johnson City Monday Club meeting on the radon program and GFST.	70

Kingsport, TN	3/19/2019	Panel presentation at the TNEC giving an overview of the Higher Education Initiative with 4 TN HEIs.	20
Cumberland Co, TN	3/18/2019	Launch of the food pantry program and food pantry at Roane State Community College.	5,000
Davidson County, TN	6/5/2019	OPSP provided educational activities at two apartment complexes to accompany free summer lunch.	51
Davidson County, TN	6/7/2019	OPSP provided educational activities at one apartment complex to accompany free summer lunch.	39
Davidson County, TN	6/12/2019	OPSP provided educational activities at two apartment complexes to accompany free summer lunch.	28
Davidson County, TN	6/14/2019	OPSP provided educational activities at one apartment complex to accompany free summer lunch.	50
Hardin County, TN	6/15/2019	OPSP hosted the 731 Fest providing environmental education on radon, GFSTN, and encouraging partnerships between TN State Parks and local communities.	300
Davidson County, TN	6/19/2019	OPSP provided educational activities at two apartment complexes to accompany free summer lunch.	10
Davidson County, TN	6/21/2019	OPSP provided educational activities at one apartment complex to accompany free summer lunch.	25
Davidson County, TN	6/26/2019	OPSP provided educational activities at two apartment complexes to accompany free summer lunch.	34
Davidson County, TN	6/28/2019	OPSP provided educational activities at one apartment complex to accompany free summer lunch.	28

Tennessee Historical Commission (THC): THC provides press releases each year during the grant cycle regarding Historic Preservation grants. The press release is disseminated through the Office of Communications. Notifications are also provided through *The Courier*, THC's newsletter, and THC's website, through which a copy of the application can be downloaded. THC maintains a Facebook page which it utilizes to perform public notice and outreach. THC's outreach is consistent with federal regulations and guidelines and the Historic Preservation Fund manual, which considers underrepresented properties in its criteria.

Underground Storage Tanks (UST): UST has developed a UST Tank Owners Compliance Toolbox, which is updated and distributed annually on flash drives and posted to the Division's website. Board meetings are held regularly, are advertised on the website, and are open to the public. Tank School classes are held three times per year in each of the three major regions of the state to provide education and resources. Proposed changes to rules are posted on the division's website and the division solicits input from all affected and/or interested parties. UST has extensive documentation available in a number of languages other than English.

BOARDS, ADVISORY BODIES, AND MINORITY PARTICIPATION

TDEC affiliates with fourteen (14) boards and advisory bodies. The boards and advisory bodies include: the Air Pollution Control Board, Archaeology Advisory Council, Board of Ground Water Management, Commissioner's Council on Greenways and Trails, Compliance Advisory Panel, Great Smoky Mountains Park Commission, Heritage Conservation Trust Fund Board of Trustees, Ocoee River Recreation and Economic Development Fund Board, State Review Board, Tennessee Board of Water Quality, Oil, & Gas, Tennessee Historical Commission, Underground Storage Tanks & Solid Waste Disposal Control Board, Water and Wastewater Operation Certification Board, and the West Tennessee River Basin Authority. Each board or advisory body has its own website with detailed information regarding its goals, duties, impact, members, and means and method of appointment. A brief explanation of these items is provided herein for each of the fourteen boards and advisory bodies.

TDEC publishes a list of all boards or bodies for the department, including vacancies, as they occur, on its website. Terms of board members are also posted on the department's website so the public can see when a term is expiring. The department's website also includes the area of interest of board members and the qualifications for the positions on each board.

TDEC does not currently disseminate information about its minority participation on planning boards and advisory bodies to the general public.

Board member term expirations are reported to the Secretary of State forty-five (45) days prior to the end of a term, as required by law. The Secretary of State compiles a searchable vacancy report for which members of the public can access at <http://state.tn.us/sos/pub/oa/index.htm>.

Upon the occurrence of a vacancy, TDEC develops recommendations for appointments, which take into consideration that state law requests the appointing authority to make a conscientious effort to appoint people so that the membership of boards is proportionate to the minority population of the state. TDEC continuously strives to work with named stakeholders and the Governor's office to seek out minority representatives for boards and commissions attached to the Department.

A spreadsheet of the composition of each board is attached hereto as Appendix XI.

Air Pollution Control Board

Information regarding this Board is available online:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Fourteen members: twelve appointed by the Governor for four-year terms and two ex-officio.

Members include:

- a registered professional engineer with at least five (5) years of experience in the field of air pollution control;
- a licensed physician with experience in health effects of air contaminants;
- a person working in a field directly related to agriculture or conservation;
- a person actively working in the management of and with current full-time employment in a private manufacturing concern and have a college degree and eight (8) years of combined technical training and experience in permit compliance for Title 5 or Non-Title 5 sources for a manufacturing facility permitted in the State of Tennessee;
- a county mayor or chief executive officer of a Tennessee county;
- a person working in municipal government;
- Two (2) persons from Tennessee industry and with current full-time employment with a private manufacturing concern and have a college degree in engineering or equal and eight (8) years of combined technical training and experience in air pollution abatement for either a Title 5 permit holder or a Non-Title 5 permitted source in the State of Tennessee;
- a person involved in the program of an institute of higher learning in the state involved in the conducting of training in air pollution evaluation and control;
- a person representing conservation interests;
- a small generator of air pollution representing automotive interests;
- a person representing environmental interests;
- Commissioners of Environment and Conservation and Economic and Community Development or their designees.

Commissioned under TC Sec. 68-201-104.

Powers and duties of the board:

Promulgate rules and regulations to effect the intent and purpose of this part, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Promulgate rules that authorize the technical secretary to issue permits that contain all provisions applicable to sources that are necessary under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., and the effective regulations pursuant to such act, and that are necessary under this chapter and the effective rules of the board. The issuance of a permit by the technical secretary under the rules authorized by this subsection (a) shall not repeal by implication any rules of the board. The board shall monitor regulations under the Clean Air Act that are proposed by the United States environmental protection agency. If the environmental protection agency promulgates a rule that would roll back federal requirements under the Clean Air Act, the board shall initiate rulemaking on that subject and determine whether Tennessee should have a more restrictive rule than the federal rule on that subject;

Hold hearings and issue such orders and determinations as may be necessary to effect the intent and purpose of this part;

Establish, modify, or amend, without hearing, policies, practices, rules or regulations with respect to procedural aspects of board activities; and

Cause legal proceedings to be instituted in a court of competent jurisdiction, to compel compliance with any order issued by the board, requirement of this part, or rule or regulation adopted pursuant to this part.

Tennessee Archaeological Advisory Council

Information regarding this Council is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Eleven members appointed by the Governor for five-year terms.

Members include:

- five anthropologists representing the University of Tennessee, University of Memphis, Vanderbilt University, Middle Tennessee State University and East Tennessee State University;
- one representative from the Tennessee Historical Commission;
- one representative from a recognized archaeological association in Tennessee;
- three members of Native American descent and representative of the Native American community in Tennessee;
- one member from the public at large.

Commissioned under TC Sec. 11-6-103.

Duties of the Council:

To advise the commissioner of Environment and Conservation and the state archaeologist on all matters of policy relating to the activities of the division and to the employment of professional personnel. It is the responsibility of this council to organize and set forth its rules and operational procedures.

Board of Ground Water Management

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Five members: three appointed by the Governor for three-year terms and two ex officio. Includes the Commissioner of the Department of Environment and Conservation and the Director of Water Resources or their designees who shall be ex officio members. Three members shall be persons actively engaged in the drilling of water wells - one from each of the three geographical grand divisions of the state. Terms are limited to two consecutive full terms.

Commissioned under: TC Sec. 69-10-107.

Powers and duties of the board:

The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

Prior to the issuance of any well driller's license or any installer's license, the board of ground water resources shall review the application for such license and shall make a recommendation to the commissioner either for or against issuance of such license. The board shall promulgate rules and regulations, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that specify the criteria to be used by the board in making such recommendations.

Commissioner's Council on Greenways and Trails

Information regarding this Council is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Fifteen members appointed by the Department of Environment and Conservation's Commissioner. Initial appointments served two to four-year staggered terms. By-Laws adopted in 2005 by the Council provide that all re-appointments shall serve three-year terms. Members must have demonstrated that they are an active trail user from motorized, non-motorized, or multi-use trails or are an advocate for promoting natural resource conservation and the establishment of greenways. Each one of these interests shall be represented. The Chair of the Commissioner's Council on Greenways and Trails is appointed by the Department of Environment and Conservation's Commissioner. Commissioned under Federal Law.

Functions of the Council:

The TDEC Commissioner's Council on Greenways and Trails (Council) is the official federal advisory committee fulfilling the requirement for the Recreational Trails Program(RTP) to have a state advisory committee with motorized trail representation and to have at least one meeting per year.

This requirement is confirmed by the Washington office of the Federal Highway Administration on an annual basis in order to insure that each state is eligible to receive the RTP funding.

The committee (Council) oversight is provided by reviewing, for each grant cycle, the Open Project Selection Process (OPSP) that is used to score the RTP grants and by reviewing the RTP grants that were awarded by the Governor after each grant cycle.

Other Council activities include preparing Goals annually and reviewing in September what was accomplished and then setting new goals for the upcoming year.

Compliance Advisory Panel

Information regarding this Advisory Panel is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

The Act requires a Panel of not less than seven (7) members with the following membership appointments:

- Two appointments by Governor of non-business owners/representatives
- Two appointments by the State Senate of small business owners/representatives
- Two appointments by the State House of small business owners/representatives
- One appointment by Environmental Commissioner to represent the Agency

Commissioned under U.S. Code Title 42, Chapter 85, Subchapter (Title) V, Section 507, § 7661f of the Clean Air Act as amended.

Mission Statement:

The federal Clean Air Act as amended requires each state to establish a Compliance Advisory Panel as part of their Small Business Environmental Assistance Program (SBEAP).

Purposes for the required Compliance Advisory Panel are:

- render advisory opinions about the technical assistance program, difficulties encountered, and the degree and severity of enforcement.
- make periodic reports to the EPA Administrator about the state program's compliance with the Paperwork Reduction Act, and the Equal Access to Justice Act.
- review information provided to small business sources to assure the information is understandable by the layperson.

As required in the Act, the Panel will review the SBEAP activities and assess effectiveness. Members will assist the development and review of reports on Program activities. The Panel will make periodic reports to EPA and the Air Pollution Control Board on SBEAP activities and their assessment. The Panel will review Program materials to determine understandability by small business owners. Additionally, the Panel will review Program service delivery to assess compliance with federal statutes.

Great Smoky Mountains Park Commission

Information regarding this Commission is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Five members appointed by the Governor for five-year terms. The commissioner of Environment and Conservation or designee and the commissioner of Tourist Development or designee shall serve as ex officio members of the commission. The commission is required to meet at least once every six months to perform its functions. The purpose of the Commission is to devote its attention to the problems of that portion of the Great Smoky Mountains National Park which lies within the state of Tennessee.

Commissioned under TC Sec. 11-19-101.

Functions of the Commission:

Have the authority to confer with the national park service, as a representative of the state of Tennessee, with regard to policies of the national park service to be observed in the Great Smoky Mountains National Park;

Furnish informational services to the United States congress with reference to the needs of the Great Smoky Mountains National Park including, but not limited to, the end of obtaining financial appropriations for the park;

Cooperate with similar commissions in other states adjacent to the Great Smoky Mountains National Park;

Urge the reasonable use of trails within the Great Smoky Mountains National Park;

Maintain, to as great an extent as possible, the entrances to the Great Smoky Mountains National Park free from commercial advertising and/or businesses; and

Take other action, as may be considered desirable, to preserve intact the natural beauty and scenery of the Great Smoky Mountains National Park. This grant of power to the commission shall be construed liberally in favor of the commission taking any action which may be considered by it advantageous to the Great Smoky Mountains National Park.

Heritage Conservation Trust Fund Board of Trustees

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

The Board shall be attached to the Department of Environment and Conservation for administrative purposes but shall be independent of the department. Expenditures from the trust fund shall be made only upon authorization of the board. The Board shall consist of eleven (11) members appointed by the Governor for four-year terms. Persons appointed to the board shall include persons knowledgeable in the areas of land acquisition, management, conservation and protection. The membership of the board shall appropriately reflect the racial and geographic diversity of this state. At no time shall the membership of the board be composed of more than four (4) members who reside in any one of the grand divisions of the state as defined in Title 4, Chapter 1, Part 2. The Commissioner of Environment and Conservation, the Commissioner of Agriculture and the Executive Director of the Tennessee Wildlife Resources Agency, or their designees, shall serve as ex-officio, non-voting members of the Board. The Governor shall appoint a board chairperson from the membership of the Board. Other officers shall be selected as provided in the bylaws of the fund.

The Board is commissioned under TC Title 11, Chapter 7.

Functions of the Board:

Acquire for the state, by purchase or by donation, and convey, sell, exchange, lease or otherwise transfer any interest in real property; the board, however, does not have the power of eminent domain;

Make grants or loans to state, federal or local governments and to nonprofit organizations, in order to carry out the purposes of this chapter, including, but not limited to, grants or loans provided to acquire a fee simple or other interest in real property;

Enter into contracts and cooperative agreements, other than grants or loans pursuant to subdivision (2), with state, federal and local governments, with private individuals and corporations, and with associations and organizations, as the trust fund may deem necessary or convenient for the fund to carry out the purposes of this chapter;

Adopt, amend and repeal bylaws;

Adopt policies and guidelines for the use of the trust fund, including the procedure for identifying projects, establishing conservation priorities and allocating money from the trust fund;

Make such studies and recommendations concerning the conservation programs and policies of the department of environment and conservation as it may deem appropriate to a sound conservation program; and

Take any other necessary actions to carry out this chapter.

Ocoee River Recreation and Economic Development Fund Board

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions/ocoee-river-development-board.html>

Board Characteristics:

The Board consists of nine voting members with five members appointed by the governor, and six ex officio, nonvoting members. Appointed members shall serve four-year, renewable terms. Seven members of the board shall constitute a quorum for the purpose of conducting business. Commissioned under TC Sec. 11-8-104.

Members Include:

- The manager of the Hiwassee/Ocoee Scenic River State Park;
- The comptroller of the treasury, or the designee;
- The state treasurer, or the designee;
- The Polk County mayor;
- One person who represents economic development interests;
- One person who represents private boater interest;
- Three persons who are Ocoee River management zone commercial permit holders;
- The Commissioners of Environment and Conservation, Tourism, Economic and Community Development, or their designees;
- The Executive Director of the Wildlife Resources Agency, or designee;
- A member from the House and Senate whose legislative district includes the majority of the Ocoee River management zone.

Functions of the Board:

The Board is established for the administration of the Fund to support recreational water releases on the Ocoee River, to provide for management of the Ocoee River management zone by the Department of Environment and Conservation, State Parks Operations, and to encourage the economic growth of the Ocoee River. The Board is scheduled to terminate on June 30, 2019, and the one-year wind-down period begins. The Commerce, Labor, Transportation and Agriculture Joint Subcommittee met September 26, 2018, and recommended that the Board be extended two years.

State Review Board

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Twelve members appointed by the State Historic Preservation Officer for three-year terms. Members must have demonstrated a competence, interest or knowledge in historic preservation and a majority of members shall be recognized professionals. At a minimum, members must include one professional in history, prehistoric and historic archaeology, and architectural history and architecture. The archaeologist must be qualified in both prehistoric and historic archaeology, and the architectural historian or architect must be qualified in both architectural history and architecture. The Chair of the Tennessee Historical Commission's Historic Sites Committee serves as an ex officio member.

Commissioned under the National Historic Preservation Act.

Purpose: Objectively evaluate the historic significance of properties and provide professional advice on historic preservation matters to the Historical Commission.

Tennessee Board of Water Quality, Oil and Gas

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Twelve members: nine citizen members appointed by the Governor for four-year terms and three ex-officio.

Members include:

- Department of Environment and Conservation;
- Department of Health;
- Department of Agriculture;
- one person representing the public-at-large;
- one person representing environmental interests;
- one person representing counties;
- one person representing agricultural interests;
- one person representing municipalities of the state;
- a small generator of water pollution representing automotive interests;

- one member representing manufacturing industries and has current full-time employment with a manufacturing concern in Tennessee and holds a college degree in engineering or the equivalent, and has at least eight (8) years of combined technical training and experience in NPDES permit compliance and management of wastewater or water treatment facilities;
- one member representing the oil and gas industry;
- one member representing oil or gas property owners.

Commissioned under TC Section 69-3-104.

Duties and authority of the Board:

The board has and shall exercise the power, duty, and responsibility to establish and adopt standards of quality for all waters of the state.

The state water quality plan provided for in subsection (e) shall contain standards of quality and purity for each of the various classes of water in accordance with the best interests of the public.

The board may amend and revise such standards and classifications, including revisions to improve and upgrade the quality of water.

The board has and shall exercise the power, duty, and responsibility to adopt, modify, repeal, promulgate after due notice and enforce rules and regulations that the board deems necessary for the proper administration of this part, the prevention, control, and abatement of pollution, or the modification of classifications and the upgrading of the standards of quality in accordance with subsection (a).

The board has and shall exercise the power, duty, and responsibility to adopt, modify, repeal, and promulgate, after due notice, all necessary rules and regulations for the purpose of controlling the discharge of sewage, other wastes, and other substances from any boats.

The board has and shall exercise the power, duty, and responsibility to proceed without delay to formulate and adopt a state water quality plan.

The board has and shall exercise the power, duty, and responsibility to:

(1) Hear appeals as specified in subsection (i) from administrative judges' orders assessing penalties or damages, or issuing, denying, revoking or modifying a permit; and

(2) Affirm, modify, or revoke such orders, as specified in subsection (i).

The board has and shall exercise the power, duty, and responsibility to require the technical secretary to carry out surveys, research, and investigations into all aspects of water use and water quality.

The board has and shall exercise the power, duty, and responsibility to adopt, modify, repeal, and promulgate all necessary rules and regulations for the purpose of establishing and administering a comprehensive permit program that will enable the department of environment and

conservation to be designated by the United States environmental protection agency as authorized to issue permits under the national pollutant discharge elimination system (NPDES) established by § 402 of the Federal Water Pollution Control Act, P.L. 92-500, codified in 33 U.S.C. § 1342.

The board has and shall exercise the power, duty, and responsibility to adopt, modify, repeal, and promulgate all necessary rules and regulations that the board deems necessary relating to the underground placement of fluids and other substances that do or may affect the waters of the state.

The board has and shall exercise the power to adopt rules creating a system of incentives for alternatives to discharges to surface waters, such as land application and beneficial reuse of the wastewater.

The commissioner shall develop and submit to the board proposed rules necessary for accurate and consistent wet weather conveyance determinations.

Tennessee Historical Commission

Information regarding this Commission is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Twenty-nine members: 24 appointed by the Governor for terms of five years and 5 ex officio members.

Members include:

- Governor of Tennessee
- State Historian
- State Archaeologist
- Commissioner of Environment and Conservation
- State Librarian and Archivist
- 24 members who shall be equally divided among the three grand divisions of the state

Commissioned under TC Sec. 4-11-102.

Mission of the Commission:

The mission of the Tennessee Historical Commission is to encourage the inclusive diverse study of Tennessee's history for the benefit of future generations; to protect, preserve, interpret, operate, maintain, and administer historic sites; to mark important locations, persons, and events in Tennessee history; to assist in worthy publication projects; to review, comment on and identify projects that will potentially impact state-owned and non-state-owned historic properties; to locate, identify, record and nominate to the National Register of Historic Places all properties which meet National Register criteria, and to implement other programs of the National Historic Preservation Act of 1966 as amended.

Underground Storage Tanks & Solid Waste Disposal Control Board

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Fourteen (14) members: twelve appointed by the Governor for four-year terms upon expiration of initial appointments; two ex officio non-voting members.

Members include:

- one person engaged in a field directly related to agriculture;
- one person employed by, or is the owner of, a private petroleum concern with at least 10 years of experience owning or operating a wholesale or retail gasoline business with management responsibility for at least 15 underground storage tanks;
- one person who is employed by a private manufacturing concern in Tennessee who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in permit compliance and management of solid wastes or hazardous wastes;
- one person employed by a private manufacturing concern in Tennessee who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in the management of petroleum underground storage tanks and hazardous materials;
- one person who is a registered engineer or geologist or qualified land surveyor with knowledge of management of solid wastes or hazardous materials or the management of underground storage tanks from the faculty of an institution of higher learning;
- one person knowledgeable of the management of solid wastes, hazardous materials, or underground storage tanks to represent environmental interests;
- one representative of county governments;
- one representative of municipal governments;
- a small generator of solid wastes or hazardous materials representing automotive interests;
- one person employed by a private petroleum concern with experience in the management of petroleum;
- one person engaged in the business of management of solid wastes or hazardous materials;
- one person who is employed by, or is the owner of, a private petroleum concern with at least five (5) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for no more than five (5) underground storage tanks;
- Commissioners of Economic and Community Development and Environment and Conservation (or their designees).

Commissioned under TC Sec. 68-211-111.

Duties of the Board:

It is the duty of the board to adopt, modify, repeal, promulgate after due notice and enforce rules and regulations which the board deems necessary for the proper administration of this part. Prior

to promulgating, adopting, modifying or repealing rules and regulations, the board shall conduct, or cause to be conducted, public hearings in connection therewith. All such acts relative to rules and regulations shall be in accordance with the Uniform Administrative Procedures Act.

The board is authorized to promulgate rules and regulations to effectuate the purposes of parts 8 and 9 of this chapter. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act.

It is the duty of the board to act as a board of appeals as provided in TC Sec. 68-211-113.

Water and Wastewater Operators Certification Board

Information regarding this Board is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Five members: four appointed by the Governor for three-year terms.

Members Include:

- a certified operator of a water or wastewater system who holds a certificate of the highest class issued by the board, who may be appointed from lists of qualified persons submitted by interested water and wastewater groups including, but not limited to, the Tennessee Water and Wastewater Association;
- a certified operator of a water or wastewater utility district, who may be appointed from lists of qualified persons submitted by interested utility district groups including, but not limited to, the Tennessee Association of Utility Districts;
- a person knowledgeable about water or wastewater systems with experience working for such systems, who may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League.
- a faculty member of a college, university or state technical institute whose major field is related to water or wastewater systems, who may be appointed from lists of qualified persons submitted by interested engineering groups including, but not limited to, the Tennessee Society of Professional Engineers;
- Commissioner of Environment and Conservation or designee.

Commissioned under TC Section 68-221-905.

Powers and duties of the Board:

Adopt, modify, repeal, promulgate in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and, after due notice, enforce rules and regulations which the board deems necessary for proper administration of this part;

Hold at least one (1) examination annually at a designated time and place for the purpose of examining candidates for certification;

Advertise and promote the program;

Encourage other operators to become certified besides those required by law;

Distribute applications and notices;
Receive and evaluate applications;
Prepare, conduct and grade examinations;
Set up a system of fees and late penalties for applicants to support the expenses of the program;
Maintain all records of the program, and maintain a register of certified operators;
Promote and schedule regular training schools and programs;
Hear appeals from any order or ruling issued by the commissioner, and affirm, modify or revoke such order or ruling; issue notices of such appeals and subpoenas requiring attendance of such witnesses and production of such evidence; administer oaths; and take such testimony as the board deems necessary. Any such appeals must be filed with the board within thirty (30) days of issuance of such order or ruling; and
Recommend to the commissioner the staff required to effectively administer the requirements of this part.

The board has the authority to hear appeals from orders and civil penalties made or assessed by the commissioner under this part.

West Tennessee River Basin Authority

Information regarding this Authority is available at:

<https://www.tn.gov/environment/about-tdec/boards-and-commissions-home.html>

Board Characteristics:

Thirty-one members: four appointed by the Governor for six year terms, two State Senators, two State Representatives, three state agency positions

Members include:

- Commissioner of Environment and Conservation or their designee;
- Commissioner of Agriculture or their designee;
- Executive Director of the Wildlife Resources Agency or their designee;
- County executive of each county in West TN (20) or their designee;
- two members of the House from West TN;
- two members of the Senate from West TN;
- one person appointed from a list submitted by the Tennessee Association of Soil Conservation Districts;
- one person appointed from a list submitted by the Tennessee Conservation League;
- one person appointed from a list of nominees submitted by the Tennessee Farm Bureau;
- one person appointed from a list of nominees submitted by the Tennessee Forestry Association.

Commissioned under TC 64-1-1102.

Powers and duties of the Board:

(1) Enter into contracts and cooperative agreements with state, federal and local governments, with agencies of such governments, with private individuals and corporations and with associations and organizations as the board may deem necessary or convenient to enable it to carry out the purposes of this part. This authority includes, without limitation, the power to

contract and make cooperative arrangements with the adjoining state of Kentucky, including cities, counties and other public agencies within the state, for planning, land purchase and acquisition, construction, operation and maintenance of all works related to water resources development, conservation and open space. It is the intent of this subdivision (1) that the authority have full powers to operate across state lines subject only to contractual agreements with private, governmental and public bodies and agencies;

(2) Adopt, amend and repeal bylaws;

(3) Appoint and define duties and compensation of a program manager and other such agents as the board deems necessary to transact its business;

(4) Accept grants, funds and other assistance from any and all governmental agencies, private agencies and individuals and to spend these in behalf of the authority programs;

(5) Set policy for the authority, including identifying projects, the priority of work and allocating how the budget will be spent;

(6) Delegate any of its powers and duties to the staff assigned to it within the department;

(7) Investigate all water and related resources of the Hatchie, Obion and Forked Deer River basins with regard to flow, hindrances to flow and health of bottomland hardwoods;

(8) Conduct planning for maintenance and restoration of flow and floodplain dynamics of the Hatchie, Obion and Forked Deer River basins. Such planning shall include the order in which specific projects will be commenced. It may also include the prevention of upland soil erosion through such projects as gully and road bank treatment, cropland conversion and accelerated conservation and treatment of grasslands and forests. Such plan formulation must take into account the plans and proposals already prepared by local, state and federal agencies dealing with water control, conservation and related land development;

(9) Prepare preliminary architectural and engineering plans for specific works;

(10) Execute contracts with existing agencies involved in regional planning and development for providing combined staffs and operating personnel, including the United States corps of engineers, United States soil conservation service and development districts organized under the Development District Act of 1965, compiled in title 13, chapter 14;

(11) Prepare detailed architectural and engineering plans and specifications for specific projects and works related to water resources or flood plains, if needed and appropriate; however, many of the projects should be accomplished without detailed engineering plans and specifications as they will involve only the removal of minor blockages, beaver dams or similar actions;

(12) Arrange with any city, county, state or supplier of utilities for the abandonment, relocation or other adjustment of roads, highways and utility lines, but the authority is not responsible for

the maintenance, construction or removal of roads, highways, bridges or utility lines;

(13) Acquire by purchase or by gift all land and facilities within the area needed for construction of water control structures, channel improvements and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife and open space. Interest in land may be acquired, including leasehold interest, and the authority may hold, mortgage or otherwise encumber, sell, lease or sublease such land. During the time that title to such property is held in public ownership, it is exempt from all taxes levied by the state and all political subdivisions thereof, and all other property and activities of the authority are similarly exempt;

(14) The power of eminent domain in behalf of authority purposes shall, within their discretion, be exercised by cities and counties within the area. The governing bodies of cities and counties are hereby authorized through the power of eminent domain to acquire all lands and facilities within the area needed for construction of water control structures, channel improvements and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife and open space. Interest in land may be acquired, including leasehold interest, and such may be held, mortgaged or otherwise encumbered, sold, leased or subleased in behalf of authority purposes. The power of eminent domain may be exercised by the governing bodies of the cities and counties within the area under the provisions of title 29, chapter 17, and shall include the power to condemn water rights, easements and any other interest in real estate. During the time that title to such property is held in public ownership, it is exempt from all taxes levied by the state and all political subdivisions thereof;

(15) Build, construct, operate, manage, lease and maintain all works, facilities and programs needed for water controls, channel improvements, navigation, drainage, irrigation, water conservation, water quality, water supply, recreation, fish and wildlife and open space;

(16) Obtain funds from county governments for purposes of planning, acquisition of land and facilities, and construction, operation, management and maintenance of all works, facilities and programs particularly required by such county or counties. County governments are empowered, but are not required, to impose taxes to accomplish these programs. Such taxes, if imposed, shall be upon all real property lying within the Obion-Forked Deer Rivers basin area watersheds as situated in the respective counties and drained by the Obion-Forked Deer Rivers and their tributaries, and such tax shall be imposed on that property determined by the county as benefiting from the works of improvement and programs of the authority;

(17) Fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with any works or programs that are administered by the authority and in the event any agreements with holders of bonds shall be made as provided in this part, to fix, levy and collect such fees, rents, tolls and other charges in accordance with such agreements and subject thereto; and

(18) All moneys raised by the imposition of ad valorem taxes or by county appropriations shall be deposited with the state treasurer for the operation of the authority; and interest on such funds held for capital outlay shall accrue to the benefit of the authority and shall be carried forward when necessary as with other capital outlay funds. All funds deposited with the state treasurer

shall be reported as expendable receipts; however, in the event that any funds raised by ad valorem taxes or by county appropriations remain in an account with the state treasurer for the authority as of June 30 of any fiscal year, it is the intent that such remaining funds shall not revert to the state treasurer, but shall be carried forward for subsequent use in the operations of the authority. The commissioner of finance and administration shall prescribe an equitable procedure for determining the amounts of any remaining funds, such procedure to be approved by the comptroller of the treasury and the board of directors of the Obion-Forked Deer basin authority.

DOCUMENTATION OF MINORITY INPUT

As described above in the Public Notice and Outreach subsection, TDEC performs public notice and outreach through several different outlets: at the department level through the Office of Communications, at the division level through extensive public outreach and engagement, with a particular emphasis on outreach to underrepresented groups (as shown in the tables above), and through its Field Offices, Office of External Affairs (OEA), and Legislative Team.

TDEC has eight Regional Directors for External Affairs across the state. One of the most important purposes of the regional offices and directors is to meet with stakeholders and constituent groups in order to provide easy access to the department and its resources.

To effectuate this purpose, OEA developed a public participation toolkit in order to help divisions on a department-wide level communicate more effectively and engage minority and underserved communities in Tennessee. In fiscal year 2016-2017, OEA launched a public participation initiative to engage the public, provide awareness of programs and activities and opportunities to provide input in the decision-making process, and foster dialogue on improving service to the public in the Jackson, Tennessee region. This region was specifically targeted in an effort to increase the public participation of low-income and minority communities that have not historically had high levels of engagement in the environmental decision making process. Through a series of focus groups, OEA has engaged leaders and groups representing the interests of low-income and minority communities such as NAACP chapters to provide information about TDEC programs and activities.

In the 2017-2018 fiscal year, OEA and the Office of Policy and Sustainable Practices (OPSP) furthered this effort by holding additional focus groups or “community conversations” in the Cookeville region, the Memphis region, and the Tri-cities region with community leaders, community organizations, and local officials. TDEC staff followed the meetings with individual correspondence with each attendee providing resources, contacts, and information to answer attendee and local community concerns.

In addition to these concentrated sessions, each Regional Director for External Affairs maintains a working database on community interactions or contacts with minority thought leaders and local groups across the state. In addition, this outreach has also helped OEA to identify leaders and local groups across the state that may be concerned by possible project sites to invite these parties to participate in the decision-making process. These efforts are instituted as a means to encourage greater coordination and collaboration between TDEC and its beneficiaries.

In fiscal year 2017-2018, OEA and OPSP collaborated to update the public participation toolkit to include information about TDEC's LEP and environmental justice obligations, to provide resources for identifying situations where LEP customers might be encountered or where environmental justice concerns might arise, and to assist staff in preparing thoughtfully for those occurrences.

Over the summer of 2018, OPSP engaged in a pilot program providing summer lunch and learns to children who face food insecurity during the summer and lack transportation to engage in TDEC's outreach programs, such as state park programs and festivals. The pilot provided lunch, along with environmental education activities, to 250 children at an affordable housing complex in Nashville over three Fridays in July and August. The pilot program was very successful with predominately minority elementary school aged children obtaining a free lunch and engaging in environmental education. The feedback from children and guardians was positive.

Utilizing feedback from customers and program evaluation, OPSP expanded the summer lunch and learn program in fiscal year 2018-2019, partnering with the Departments of Education and Health & Human Services and an affordable housing company, to provide summer lunch and learns at seven affordable housing locations in Davidson County and Knoxville, TN. For the duration of the summer, from late May to early August, the nearly 1,000 predominantly minority children at these housing complexes were given access to a free lunch, daily, with environmental education one day per week. OPSP is currently reviewing customer feedback and doing a program analysis to determine plans for the next year.

OPSP's Higher Education Sustainability Initiative undertook a Needs Assessment Survey with students at Roane State and Nashville State College and found that a substantial percentage of the students reported food insecurity. Based on that information, OPSP was able to work with internal stakeholders to provide funding for necessary infrastructure for a food pantry at Roane State. External partners, including Second Harvest Food Bank, are providing food for the food pantry. A similar initiative is planned for Nashville State College and additional Needs Assessments being undertaken through this initiative at other higher education institutions.

Methods used to inform public of grants/contracts

Methods utilized by TDEC grant and loan administering programs to inform public of available grants and loan funds are discussed hereinabove in Section 13. Sub-Recipient Monitoring.

All TDEC contracts for the past fiscal year were solicited and processed by the Department of General Services, Central Procurement Office, per our requisitions requesting such for all goods and services.

TDEC enters suggested vendors on the requisition, to include known small and minority vendors, to whom the Central Procurement Office issues an invitation to bid, along with other system-generated bidders for that particular commodity. In addition to the system-generated bidders, General Services also advertises all their events on their website.

15.

COMPLIANCE REPORTING

TITLE VI REPORTING

TDEC provides Title VI compliance information to the U.S. Environmental Protection Agency (EPA), the Department of Energy (DOE), and the Department of the Interior (DOI).

FEDERAL REPORTING REQUIREMENTS

TDEC's divisions are responsible for federal reporting requirements as follows:

Air Pollution Control (APC): reports annually to EPA for Section 105 Grant pursuant to 40 CFR 35.115; annually to EPA for Section 103 Grant pursuant to 2 CFR 200.328(b)(1-2)(i-iii); semi-annually to EPA for Multi-Purpose Grant pursuant to 2 CFR 200.328(b)(2); and quarterly reporting and final report to EPA for Clean Diesel Grant pursuant to 2 CFR 200.92.

Archaeology: reports annually on skeletal remains and associated burial objects to the Department of the Interior pursuant to the National Native American Graves Protection and Repatriation Act, 43 CFR Part 10.

Division of Solid Waste Management (DSWM): the Hazardous Waste and Toxic Waste programs complete and submit the pre-award compliance review report to the EPA, as necessary. Hazardous Waste provides an annual report to the EPA on its hazardous waste rulemaking activities, training, compliance, and enforcement pursuant to 40 CFR Part 31.40(b)(1). The Toxic Waste program reports on an annual basis to the EPA for its lead based paint grants pursuant to 40 CFR 745.324(h). This reporting requirement will be extended to once every two years at the discretion of EPA. Toxic Waste also provides performance reports to the EPA subject to 40 CFR Part 35, Subpart A, Sections 35.310-35.315 on an annual basis regarding grantee performance. The EPA has the discretion to waive unnecessary performance reports.

Division of Water Resources (DWR): reports to the EPA annually pursuant to 40 CFR Parts 3, 31, 33, 35, 122-125, 127, 130, 131, 141-142, 144, 403, and 503 for its Clean Water and Ground Water Program Grant Reporting, National Pollutant Discharge Elimination System Program, Clean Water and Ground Water Loan Programs, Water Quality Standards, Water Quality Monitoring and Assessment Program, Pretreatment Program, and Biosolids Program. The division also provides a supplemental grant progress report pursuant to 2 CFR 200 and 2 CFR 1500. Under Tennessee's State Water Monitoring and Assessment Program, the division reports its monitoring strategy, workplan, design, Quality Assurance Project Plan and Quality Assurance Standard Operating Procedures, water quality monitoring data, program evaluation, and strategy implementation pursuant to EPA 841-B-03-003. The State Revolving Fund (SRF) reports to the EPA annually pursuant to 40 CFR 35.3135 and 40 CFR 35.3550 with respect to its Clean Water and Drinking Water loans programs.

Natural Areas: reports annually with respect to grants received from the U.S. Fish and Wildlife Service, Department of the Interior, pursuant to CFR 200.

Office of Energy Programs (OEP): provides a quarterly performance report and a quarterly financial report to Department of Energy pursuant to 10 CFR 420.

Office of Policy and Sustainable Practices (OPSP): provides State Indoor Radon Grant Data reports pursuant to the Indoor Radon Abatement Act (IRAA) Section 306(h) to the EPA for radon-related information and activities as well as progress reports to the EPA pursuant to 40 CFR part 31 and 40 CFR 35.115 and 35.514. The Green Star Partnership Program/P2 reports to the EPA pursuant to 2 CFR 200, 2 CFR 1500, and 40 CFR 33 and 40 CFR 35 Subpart A.

Remediation: reports annually to EPA pursuant to 2 CFR 200 for its Superfund State and Indian Tribe Core Program (CORE) Cooperative Agreement, its Superfund State, Political Subdivision, and Indian Tribe Site Specific Cooperative Agreement (Pre-Remedial), its Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements (Five-Year Review), its Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements (SACA), and its State and Tribal Response Program Grants (Brownfields). Remediation also reports to the Department of Defense pursuant to 2 CFR 200, 32 CFR 33.40, and 32CFR 33.41 for its Department of Defenses and State Memorandum of Agreement (DSMOA) Cooperative Agreement. Finally, Remediation reports to the Department of Energy for its Tennessee Oversight Agreement – TDEC-Monitoring & Oversight Grant as well as the Tennessee Oversight Agreement- TDEC- Federal Facilities Agreement Grant (FFA) pursuant to 2 CFR 200 and 2 CFR.

Recreation Education Services (RES): reports annually to the National Parks Service, in the Department of the Interior with respect to the Land and Water Conservation Fund and to the Federal Highway Administration, in the Department of Transportation, with respect to the Recreation Trails Program.

Title VI Related Audits and Reviews

TDEC has not been subject to any Title VI-related audits or findings received from any federal or another state monitoring agency during the 2018-2019 fiscal year.

16. **EVALUATION PROCEDURES**

Evaluating Beneficiary Access and Quality of Services

Each division is responsible for developing its own self-evaluation measures within the context of TDEC's overall plan. Across the department, TDEC utilizes customer satisfaction surveys to evaluate the quality of services for internal and external customers. That information is utilized by divisions and the department to guide decisions regarding programs, projects, and services.

TDEC programs and their respective outreach efforts are in a period of outward growth, reaching additional beneficiaries and promoting broader access. The Parks system boasts over 1100 miles of trails, 370 cabins, and 36 campgrounds and is committed to making its programs and services accessible to all Tennesseans: all Tennesseans are within about an hour's drive of at least one park or natural area. In the past year the state parks hosted over 2300 children in Junior Ranger camps, a record number – for the third year in a row – with approximately 40% more children than last year. Supporting its focus on accessibility, Tennessee State Parks has made ADA upgrades to several parks in the past few years and is moving forward with a capital project to complete additional ADA upgrades in the 2020-2021 Fiscal year.

Overall park visitation is down 5.69% with the contributing factor being the closing and renovation of two major resort facilities with high visitation numbers, Fall Creek Falls and Paris Landing State Parks. There were 790 student volunteers with TN Promise during this fiscal year. Parks uses customer service surveys and feedback to shape its programs and currently is experiencing approximately a 90% satisfaction rate. Part of this is attributed to parks' emphasis on quality training for rangers; all of our rangers and managers are Certified Interpreter Guide (CIG) certified.

Rangers and seasonal interpretative recreators (SIRs) from Tennessee's 56 state parks and 85 natural areas take natural/cultural history and environmental-based education out of the park to schools, rehabilitation centers, retirement homes, community centers, and community events on a daily basis – reaching tens of thousands of additional Tennesseans, many of whom would not have ready transportation to the parks.

The Bureau of the Environment, which houses Air Pollution Control, Geology, Radiological Health, Remediation, Solid Waste Management, Underground Storage Tanks, Water Resources, and the West Tennessee River Basin Authority, requires all of its divisions to collect data and produce a scorecard. Those scorecards, available internally and regularly updated, illustrate to TDEC executive leadership and staff the quality of service, programs, and activities of the reporting divisions. The purpose of the scorecard system is to drive better performance, implement strategy, encourage balanced performance, and encourage good management and communication. Elements of the scorecard focus on customer service, customer satisfaction, and the quality of services provided. The Tennessee Center for Performance Excellence awarded TDEC Level 2 status based on our performance and customer service and responsiveness.

Divisions that engage in auditing, such as the Division of Internal Audit and Division of Solid Waste Management (DSWM), include surveys and after action reviews to solicit customer feedback. That information is utilized in staff meetings and meetings with leadership to identify opportunities to improve the audit process and provide great customer service.

Divisions that engage in significant customer interface, such as the Office of Energy Programs (OEP), the Office of Policy and Sustainable Practices (OPSP), and Underground Storage Tanks communicate with customers via print media, email blasts, newsletters, workshops, week-long science camps, hotlines, and conferences. These programs utilize customer feedback to determine the topics, focus, and structure of future programming. OPSP, in particular, authors articles for publication in, for example, Tennessee Town and City, Public Works Magazine, and the Tennessee Conservationist to ensure outreach to a wide range of beneficiaries. OPSP, OEP, and DSWM regularly participate in events such as Earth Day events, health expositions, conferences, household hazardous waste collections, local fairs, and more to perform outreach and education.

Each division also engages in self-evaluation at regular meetings. For example, the Office of Communications meets weekly to review workloads and digital and traditional media analytics. Communications examines how the public is responding to social media output, including on Facebook, Twitter, and the TDEC e-newsletter. It evaluates the thrust of public interest and inquiry and utilizes that information to allocate resources to respond to public concerns and interests and to proactively perform outreach.

As discussed in Section X, Part 2) regarding TDEC's steps toward breaking down barriers to LEP challenges, the Division of Remediation, Office of Energy Programs, the Bureau of Parks & Conservation, and the Division of Water Resources are actively working to analyze customer experience and access with the intent of adapting program services and outreach based on customer experience and access.

In fiscal year 2017-2018, OPSP sent out a survey to internal and external customers asking for specific feedback about elements of its program responsibilities, including its delivery of Title VI and Environmental Justice. Just over 20% of all respondents had worked with OPSP's Title VI and Environmental Justice program. Feedback relating to the Title VI and Environmental Justice program was positive with internal and external respondents including comments complimenting the education and outreach efforts of the Title VI and Environmental Justice Coordinator, including the provision of sample Title VI policies and procedures. The feedback noted that the greatest value the Title VI program could provide would be to remain available to respond to questions related to Title VI. This feedback affirms the substantial revisions performed by TDEC beginning in June of 2017 and which are continuing today.

OPSP also develops and utilizes program reports for each of the programs it operates. The program reports provide an overview of the origin of the program, any statutory or regulatory ties or obligations, the purpose and anticipated growth of the program, and quantitative and qualitative metrics related to that program. Those program reports are updated quarterly and provide the basis for program plans, which guide the development of programs from year to year. These program reports provide a quick snapshot of each OPSP program and its

beneficiaries. This allows OPSP staff to directly evaluate beneficiary access and quality of services and prompts OPSP staff to revise programs, as appropriate, in upcoming years.

As discussed in the outreach portion of Section XIV, OEP and OPSP actively engage in efforts to ensure access of all customers to our services and programs. These efforts can be seen in the outreach events of those groups, such as the summer lunch and learn program, the composting program, summer energy camps for students and teachers, the College/Underserved Community Partnership Program, and the higher education institution food pantry initiative.

In addition, in fiscal year 2018-2019, working with internal and external stakeholders, including regulatory divisions and TEMA and TN ECD, OPSP launched the Risk & Resilience Strategic Planning and Community Engagement Workshops targeting underserved, rural, and distressed, at-risk, or transitional counties. The purpose of this initiative is to support these communities in accessing the benefits, services, and programs available to them through local, state, and federal programs and to assist them in engaging in holistic and strategic planning to address the priorities identified by the community. After direct solicitation of community leaders, OPSP received several applications and has agreed to engage with Lake County, Stanton, Morgan County, Montgomery County, Cocke County, Humphreys County, and Spring City over the next two years.

TDEC also complied with Governor Lee's Executive Order 1, which required the department to prepare a statement of current programs and services provided to rural Tennesseans and counties classified as distressed or at-risk. The Executive Order also required the department to identify opportunities for enhancing services to rural Tennesseans. Additionally, TDEC participated in planning and execution of the Governor's Rural Opportunity Summit in collaboration with other state agencies. During the Summit, it specifically highlighted opportunities for distressed counties to take advantage of state parks and recreational activities in their communities as well as technical and financial assistance available to enhance water and wastewater infrastructure.

Title VI Compliance Deficiencies

Though TDEC has never been found noncompliant with Title VI, TDEC welcomes the opportunity to make its Title VI compliance more robust as an important means to ensure great customer service and access of beneficiaries to TDEC programs, services, and projects.

As a result of its ongoing review of its Title VI program, TDEC has incorporated a number of revisions to its program during the past fiscal years, many of which have been detailed in this report. For example, the Title VI poster, brochure, and complaint process have undergone slight revisions to make them more accessible and streamlined. A revised Title VI training is being implemented in response to customer comments. LEP policy and procedures have been revised and clarified. New LEP training presentations and resource materials have been developed and are implemented to support TDEC's LEP/Title VI Contacts. A grants management system was launched, which streamlines and provide significantly greater consistency of the Title VI compliance of sub-recipients, including Title VI training, and of division efforts to monitor that compliance.

To continue to strengthen TDEC's Title VI program, the Title VI Coordinator has collaborated with Division Directors and LEP/Title VI Contacts to identify the most effective way to eliminate barriers of LEP customers to access to TDEC services and programs. Toward this end, the Title VI Coordinator worked with LEP/Title VI Contacts and Division Directors to disseminate information about language assistance services to all internal service providers, to ensure that all LEP encounters are documented, and to coordinate division outreach with Regional Directors community contacts. As discussed previously, notices of language assistance have been placed on TDEC's website and are being utilized in public-facing documents such as Notices of Hearings and Notices of Rulemakings. The Title VI Coordinator developed a "field LEP card" and distributed it to field staff to support them in obtaining language assistance in the field and worked with Procurement and each Field Office to have the "field LEP cards" placed in each TDEC vehicle for ease of use. Finally, identifying when stakeholders are likely to be LEP and preparing for effective LEP encounters is the focus of the current update to TDEC's Public Participation Toolkit, which is used by Divisions to prepare for public participation opportunities.

From a recruitment perspective, TDEC's SDII assisted TDEC's Office of People and Organization Development to develop marketing and recruitment materials for each TDEC division which provide a high-level overview of the work performed by the division, recent projects of interest, jobs available in the division, and job qualification required to work in the division. These materials can be used by individual divisions in recruitment of high school and college students or provided, upon request, to institutes of higher education and high schools.

The SDII working group assisted with the inaugural Meet TDEC event in Knoxville at the Knoxville Environmental Field Office on April 22, 2019, which had over 100 people in attendance from local high schools and universities. The Meet TDEC events are intended to highlight careers that can be pursued in science fields. At Meet TDEC events local high school students and colleges are invited to bring their students to see what TDEC does and what technical and scientific majors support working at TDEC. The Memphis Environmental Field Office is planning on hosting a Meet TDEC event in the upcoming fiscal year.

Additional steps to enhance Title VI compliance are detailed hereinabove and will be ongoing in fiscal year 2019-2020.