

**TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**DIVISION OF SOLID WASTE MANAGEMENT
SOLID WASTE PROGRAM**

Policy and Guidance Manual

TDEC Policy and Guidance

<https://www.tn.gov/environment/about-tdec/policy-and-guidance-documents0.html>

Solid Waste Program Policy and Guidance

<https://www.tn.gov/environment/program-areas/solid-waste/solid-waste-management/solid-waste-policies-guidance.html>

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**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**BENEFICIAL USE OF A SOLID WASTE
POLICY**

This policy will establish a procedure for the determination of beneficial use for a solid waste. A beneficial use determination by the Division of Solid Waste Management (DSWM) will be a concurrence that such approved use of solid waste will not be construed by the DSWM to be a use which constitutes disposal when conducted in the manner approved by the Department. This policy establishes a procedure for persons desiring such determinations.

Determination Procedure

A written petition for beneficial use determination may be submitted to the DSWM. Such petitions should include:

1. Identification, name, address and phone number of the Solid Waste generator;
2. An adequate characterization of the subject waste stream. The characterization must include the quantity of solid waste generated, concentrations of all potential contaminants, and a flow chart which describes the process that generates the waste;
3. A well defined beneficial use project proposal described in adequate detail;
4. Locations and property owners that are involved in the beneficial use project;
5. A record keeping and reporting system which will account for actual solid waste quantities used in the project;
6. A description of how the waste will be handled and stored prior to beneficial use and any run-on/runoff control measures for surface waters;
7. A description of how release of solid waste into the environment will be prevented;
8. A schedule proposing the project initiation, major steps and completion; and
9. Other information requested by the DSWM to evaluate the petition.

The DSWM will issue a written determination defining whether the proposal constitutes a beneficial use of the solid waste and will establish conditions for such use.

Storage of Wastes

Solid wastes stored for beneficial reuse are not subject to the requirement to have a permit if the provisions at rule 0400-11-01-.02(1)(b)3(xvi) are met. The rule states:

- (xvi) The storage of solid waste that is incidental to its recycling, reuse, reclamation or salvage provided that upon request of the Commissioner, the operator demonstrates

to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and the environment. Material may not be stored for more than one (1) year without written approval from the Division.

Land Application of Wastes

Land application of solid wastes is allowed under the provisions of rule 0400-11-01-.13. Land application of food processing wastes requires a permit by rule at each application facility. Land application of landscaping and landclearing wastes and farming wastes are exempt from permit requirements. A beneficial use determination would not normally be necessary for these wastes. Certain farming wastes, such as manure, can be over applied and may require a beneficial use determination to establish an appropriate application rate. Land application of all other wastes must have written beneficial use approval and are subject to rule 0400-11-01-.02(1)(b)3(xxii) which states:

- (xxii) The beneficial use of waste, which does not constitute disposal, provided that upon request of the Commissioner, the generator demonstrates to the satisfaction of the Commissioner that such use is not detrimental to public health, safety, or the environment.

For land application of solid wastes the DSWM considers a solid waste to have beneficial use when:

- a. the operator demonstrates the waste has a beneficial use for land application;
- b. the waste does not cause a threat to public health, safety, or the environment; and
- c. the waste is handled in accordance with the requirements at rule 0400-11-01-.13.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn028: Revision 1
Previous: March 1996

3-28-08
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**BENEFICIAL END USES OF WASTE (SCRAP) TIRES
POLICY**

PURPOSE

This document is a statement of policy designed to describe civil engineering and tire recapping applications that are deemed appropriate by the Division of Solid Waste Management (SWM) for payment from the tire pre-disposal fee as a beneficial end use of waste (scrap) tires generated in Tennessee. This policy is in accordance with T.C.A. 68-211-867(b)(6).

This policy does not mandate the use of products or materials resulting from waste (scrap) tires.

BACKGROUND

Civil Engineering Applications

A beneficial end use of waste (scrap) tires in civil engineering applications is defined as the use of tires to serve as a replacement for another material, after it is processed so as to lose its identity as a tire by providing a sound environmental or engineering advantage, or by the material becoming a value-added product that is returned to commerce. Civil engineering applications should not be used just to bury waste (scrap) tires. Civil engineering applications are the use of waste (scrap) tires in place of some conventional construction material such as clean fill, aggregate and rock. A beneficial end use shall not result in unacceptable damage to the environment or public health and safety. Approved beneficial end uses shall be in general conformity with “ASTM Standard Practice for Use of Scrap Tires in Civil Engineering Applications” (D 6270-98). As pointed out in ASTM D 6270-98, it is the responsibility of the design engineer to determine the appropriateness of using waste (scrap) tires in a particular application and to select applicable tests and specifications to facilitate construction and environmental protection.

Civil engineering markets are continuing to gain wider acceptance with leading applications being drainage layers for landfills, lightweight fill, and aggregate for septic tank leach fields. For these civil engineering applications, waste (scrap) tires are processed into tire derived aggregate (TDA). The beneficial properties of TDA include lightweight, high permeability, ability to attenuate vibrations, and good thermal insulating properties.

Tire Recapping Applications

For the purpose of this policy, recapping is the process whereby selected and inspected worn tires “receive a new tread”. The Division considers the recovery of waste (scrap) tires from the Tennessee waste tire stream for tire casings used to build roadworthy tires as a “beneficial end use” application. Tires recovered from the Tennessee waste tire stream used for beneficial end use shall not result in unacceptable damage to the environment or public health and safety.

Most of the manufacturing cost of a new tire is in the tire body or casing. The tread (the portion of the tire that meets the road) represents only a small percentage of the new tire cost. Steel radial commercial truck tires are designed to provide multiple tread lives over the life of the casing.

CIVIL ENGINEERING APPLICATIONS

In all civil engineering applications using tire chips or shreds:

1. All tire chips or shreds shall have the bead wire removed;
2. Tire chips or shreds shall have less than 1% (by weight) of metal fragments, which are not at least partially encased in rubber;
3. Tire chips or shreds should generally be unattached to one another by wires; and
4. All tire chips or shreds shall be free of all flammable contaminants, including wood fragments, wood chips, any other fibrous organic matter, or the remains of tires that have been subjected to a fire.
5. Any layers of 100% tire chips or shreds shall not exceed 3 meters (117 inches) in thickness.

Specific Civil Engineering Applications Eligible for Payment

I. Class I Landfill Construction and Closure

- A. The underdrain layer beneath the liner.
- B. Pipe trenches associated with the leachate collection/recirculation system, landfill gas collection system, and ground water control system.
- C. The leachate drainage and operations layers above the liner.
- D. The drainage layer in the final cover design.

These applications shall have the prior approval of the Division of Solid Waste Management. Further, these applications do not preclude the Division of Solid Waste Management from applying additional or stricter standards to the actual installation. The Division of Solid Waste Management will consider the landfill operator or the party purchasing the tire chips or shreds from the processor to be the end user.

II. Construction Projects

The Division of Solid Waste Management will approve for payment eligibility the beneficial end use of waste (scrap) tires in the construction of paved roads, bridge approaches, levees, parking lots, etc.:

- A. Backfill material for embankments, retaining walls, and bridge abutments.
- B. Subgrade base beneath roads (including, but not limited to road bed base material) and subgrade insulation for roads.
- C. Subgrade lightweight fill in public parking lots.
- D. Rubber-modified asphalt after the tires have been processed into crumb rubber.

Additional construction projects using waste (scrap) tires in civil engineering applications include the following:

- A. Molded rubber products including, but not limited to dock bumpers, crash barriers, etc.
 - B. Covering material for playground surfaces.
 - C. Soil amendments for athletic fields and golf courses.
- Depending on the specific beneficial use proposed under construction projects, authorization may be required by local governmental offices (including, but not limited to building codes, zoning, or health) prior to start-up and installation.

The Division of Solid Waste Management will consider the construction contractor or the party purchasing the tire derived material from the processor to be the end user. Further, the use of waste (scrap) tires as general fill is not included in the above uses nor allowed.

III. Drainfield Aggregate

The Division of Solid Waste Management will approve for payment eligibility as a beneficial end use of waste (scrap) tires the application of tire chips in the construction of subsurface sewage disposal systems and ground water/surface water diversion systems, i.e. French drains, for subgrade building foundations under the following conditions:

1. The substitution of tire chips for conventional drainfield aggregate has the prior approval of the local or state government agency having jurisdiction over installation of such systems.
2. The tire chips are sold by the processor to an installer/home construction contractor, or to a company that stockpiles the material for the purpose of selling it to installers/home construction contractors.
3. The tire chips delivered to the end user are to meet the specifications of the local or state government agency having jurisdiction over installation of such systems.

The Division of Solid Waste Management will consider the installer/home construction contractor or the party purchasing the chips from the processor to be the end user. Further, the use of waste (scrap) tires as general fill is not included in the above uses nor allowed.

RECAPPING APPLICATIONS

Companies claiming beneficial end use eligibility for tires generated from sales in Tennessee and received for recapping shall maintain records of:

1. The source of the tires;
2. The number of tires received that are suitable for recapping;
3. The name and location of the company that received the tires for recapping;
4. The number of tires received by the recapping company;
5. The number of tires recapped; and
6. The final disposition of those tires not recapped.

This policy shall apply only to waste (scrap) tires resulting from sales in Tennessee.

DIVISION APPROVAL OF APPLICATIONS

Anyone proposing a civil engineering waste (scrap) tire beneficial end use application for payment from the tire pre-disposal fee should consult with the appropriate Division of Solid Waste Management's field office staff in order to review the proposal. Further, these applications do not preclude the Division of Solid Waste Management from applying additional or stricter standards to the actual installation.

[Signature on File] _____
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn123: Revision 1
Previous: August 2005

August 26, 2014
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**AUTOMOBILE SHREDDER RESIDUE AS AN
ALTERNATE DAILY COVER AT CLASS I LANDFILLS
POLICY**

Purpose

This policy addresses the process for approval of a minor modification and the conditions for use of automobile shredder residue (ASR) as an alternative daily cover at Class I landfills.

Background

Automobile shredder residue (ASR) is the residual material remaining from the automotive recycling process. These materials include plastics, rubber, wood, paper, fabric, glass, sand, dirt, minimal amounts of ferrous and non-ferrous metal, and at times may combine residue from appliance shredding. Advancements in ferrous and non-ferrous separation processes continue to further reduce the residual metals in ASR. Solid waste regulations 0400-11-01-.04(6) require landfills to use six inches of earthen material (i.e., soil) to minimize vectors (e.g., rodents, birds); minimize scavenging; reduce fire hazard; minimize blowing litter; and reduce noxious odors. Under these same regulations, alternative materials may be used if they meet the above criteria without presenting a threat to human health and the environment. A documented beneficial use of ASR is as an alternative daily cover for Class I landfills. As an alternative daily cover (ADC) ASR can be a more economic option to soil and helps to conserve valuable material and energy resources, such as soil.

Process for Approval of a Minor Modification for Use of Automobile Shredder Residue as Alternate Daily Cover

The owner must submit a written request to use Automobile Shredder Residue (ASR) as alternative daily cover and include with the request, a document that describes how the landfill will comply with all the conditions below. A 60 day or 90 day demonstration project may be approved by a field office of the Division of Solid Waste Management (DSWM) to determine the effectiveness of the ASR as alternate daily cover at a specific Class I landfill. If the ASR is determined to be effective and all the conditions below can be met, then a minor permit modification must be requested and approved by the DSWM to continue to utilize the ASR as alternate daily cover.

Conditions for the Use of Automobile Shredder Residue as Alternate Daily Cover

1. The Automobile Shredder Residue (ASR) must be used as, function as, and meet the purposes of daily cover.
2. Representative samples of the ASR must be collected in accordance with Chapter 9 of SW-846 and the samples analyzed for Resource Conservation and Recovery Act (RCRA)

metals (TCLP) and PCBs. The TCLP results must be below the hazardous waste regulatory limits and the PCBs must be below 50 ppm. Quarterly sampling and analyses is required in accordance with an approved quarterly sampling and analysis plan. At a minimum, the quarterly sampling of the ASR must be representative in accordance with Chapter 9 of SW-846 and the samples analyzed for RCRA metals (TCLP) and PCBs. The TCLP results must be below the hazardous waste regulatory limits and the PCBs below 50 ppm.

3. Written procedures must be approved by the Division of Solid Waste Management to ensure that disposal vehicle traffic will not be driven across the ASR (to prevent the tracking of the waste outside of the landfill operational areas). Only the landfill operational equipment, such as compactors and dozers, may come in contact with ASR when in storage, during placement, and after placement as alternate daily cover.
4. ASR shall only be used as daily cover on interior slopes of the landfill. The ASR shall not be applied to exterior slopes of the landfill. All ASR material used or stored on-site must be within the landfill operational footprint such that all run-off from ASR as daily cover or stockpiled ASR will be collected by the leachate collection system. No ASR-impacted run-off will be allowed to enter the stormwater control system.
5. The ASR as cover material must be kept moist by wetting as necessary to prevent dusting.
6. All ASR stockpiled daily cover shall be as near the daily working face as possible and must either be kept moist by wetting or covered as necessary to prevent dusting.
7. A minimum of six inches of compacted ASR must be used to ensure complete coverage of the placed solid waste. If insufficient ASR is available, the remainder of the wastes must be covered as required by the permit.
8. Once the ASR has been placed, the material must be compacted to minimize wind dispersal.

[Signature on File] _____
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn134: Original

08-27-2015
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**LANDFILL OPERATORS CERTIFICATION FEES
POLICY**

Purpose

This policy establishes the procedures and responsibilities within the Division of Solid Waste Management (SWM) regarding the landfill operators' certification fees and its relationship with the Division of Fiscal Services (DFS) that collects these fees.

Background

The landfill operators certification training program was initiated through the enactment of the Solid Waste Management Act of 1991. TCA 68-211-853 sets forth the statutory objective of establishing by rule a program for the certification of Class I landfill operators. The statute imposes a fee for the operator training and certification program. As authorized by state statute, the Division of Solid Waste Management (SWM) promulgated Rule 0400-11-01-.12, which established procedures and requirements for those required to receive training and certification and sets forth specific fees. As of January 2005, SWM is responsible for all these functions with the exception of depositing of fee payments. The Fee Section within the Division of Fiscal Services performs the fee deposit responsibility.

Definition of Terms

“Certification” means a certificate of completion issued by the Department upon attending the LOCT class, passing the landfill operators examination, and payment of the required fee.

“DFS” means the Division of Fiscal Services.

“LOCT” means the Landfill Operators Certification Training program, which includes the training classes and examination in order for operators to be certified.

“Operator” means the person or persons applying for or holding a permit, or who are otherwise responsible for the operation of a facility. [Rule 0400-11-01-.01(2) Definitions]

“Recertification” applies to an operator who has been certified and chooses to recertify by obtaining 24 credit hours of Department-approved training within a three (3) year period.

“SWANA” means the Solid Waste Association of North America.

“SWM” means the Division of Solid Waste Management.

Landfill Operator Certification Fee Collection & Deposit Process

1: Issue LOCT Registration **Responsible Entity: SWM**

SWM prepares a registration brochure that announces the training class, examination, and certification. This occurs annually in the spring of the year. The registration brochure is developed by SWM and mailed to all landfill owners and certified operators. The brochure identifies the training location, dates, and times; the fees that will be charged for the training and certification; and a pre-registration form (application), which requires submittal of the fee to the Department.

2: Submit Registration Forms **Responsible Entity: Operators**

Upon receipt of the announcement brochure, the landfill owners and operators complete the pre-registration form and submit the form along with the fee to the Division of Solid Waste Management. The following is the fee schedule for the LOCT program:

Full Certification*	\$400.00
LOCT: Second Day (8 hours)**	\$80.00
LOCT: Third Day (8 hours)**	\$80.00

*Certification fee is set by Rule 0400-11-01-.12(1)(c)9.

**Certified landfill operators have the option to audit the LOCT class in order to receive a maximum of eight (8) credit hours toward their 24 hours for recertification.

The landfill operator is to pay the appropriate fee based on the fee schedule by submitting their pre-registration form and payment to SWM.

3: Receive Fees & Deposit Fees **Responsible Entity: SWM & DFS**

SWM receives the pre-registration form and fee (based on the fee schedule under Item 2 above) from each eligible landfill owner or operator. SWM forwards checks and copy of pre-registration forms to DFS for deposit in the Solid Waste Management Fund under the agency revenue source code ["LOT"]. SWM will maintain and update the LOCT database based on the fee payments received.

4: Conduct LOCT Class **Responsible Entity: SWM**

SWM staff develop and conduct the LOCT class and examination. Additional instructors may be used from outside organizations (their expenses may be paid by the Department).

5: Issue Certificates **Responsible Entity: SWM**

Based on the LOCT database and confirmation of payment, SWM will issue a certificate of completion to the appropriate landfill owner and operator. The certification will not be issued until the appropriate fee has been collected. The certificates are to be signed by the SWM Division Director.

6: Issue Recertification **Responsible Entity: SWM**

When a landfill operator obtains 24 credit hours of Department approved training within a three (3) year period, SWM notifies the operator to pay the recertification fee of \$100*. At least thirty (30) days prior to the expiration date, SWM issues an invoice to the operator requesting payment of the \$100 recertification fee. Upon receipt of the recertification fee, SWM will issue a new certificate to the landfill operator. The recertification fee is forwarded to DFS for deposit in the Solid Waste Management Fund under the agency revenue source code ["LOT"].

*Recertification fee is set by Rule 0400-11-01-.12(1)(c)9.

7: Issue Certificates for SWANA Certified Operators **Responsible Entity: SWM**

Based on the LOCT database, SWM reviews the listing of landfill operators that have received certifications from SWANA. Prior to the expiration date of the operator's SWANA certificate, SWM contacts the operator to verify the expiration date and request a copy of the operator's most recent SWANA certification. A Tennessee certification fee is not required for a SWANA certified operator. Upon receipt of a copy of the operator's SWANA certificate, SWM will issue a State of Tennessee certificate to the SWANA certified operator. SWM will maintain and update the LOCT database with the new expiration date based on the operator's SWANA certificate. The department has a reciprocity agreement with SWANA in accordance with Rule 0400-11-01-.12(1)(c)8.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn120: Revision 1
Previous: January 2005

02-16-10
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**TRAINING OPPORTUNITIES FOR RECERTIFICATION
CREDIT HOURS
POLICY**

Purpose

This policy identifies how the Department will assess training credit hours in order for landfill operators to obtain recertification. The Solid Waste Management Act of 1991 requires the certification of Class I landfill operators and their periodic recertification.

Background

Rule 0400-11-01-.12(1)(c)4 states that all persons required to obtain certification must become recertified within three (3) years by attending 24 hours of Department approved training. Further, under Rule 0400-11-01-.12(1)(c)7, the Department will maintain a list of approved training programs recognized by the Department.

Pursuant to Rule 0400-11-01-.12(1)(c)8(ii), the Department allows for reciprocity for those landfill operators holding Solid Waste Association of North America (SWANA) certification. A Tennessee certificate will be issued with the same expiration date as the SWANA certificate.

Training Opportunities

The Department recognizes the following training opportunities in order for a landfill operator to obtain the 24 hours for recertification over the three (3) year period:

1. Attend the Department's Annual Basic Landfill Operators Certification Training class held in the spring of each year. [A maximum of 8 credit hours can be obtained.]

2. Attend the Department's Certified Landfill Operator's One-Day Course held in the fall of each year (held at two locations). [A maximum of eight (8) credit hours can be obtained.]

3. Attend the Solid Waste Sessions held at the Annual Solid and Hazardous Waste Conference and Exhibition (Gatlinburg, TN) [At least nine (9) credit hours can be obtained.]

4. Attend and receive a certificate for the Tennessee Erosion Prevention and Sediment Control Training and Certification Program. Training course information can be obtained from the following web site: www.tnepsc.org. [Six (6) credit hours can be obtained for Level I training; and 13 credit hours for Level II training.]
5. Attend and receive the Level 1 Recertification under the Tennessee Erosion Prevention and Sediment Control Program. Recertification training course information can be obtained from the following web site: www.tnepsc.org. [Three (3) credit hours can be obtained for this recertification training.]
6. Attend UT-Center for Industrial Services training classes, if the Department deems the training is pertinent to certified landfill operators. The Department has approved the following classes as being eligible for re-certification credit hours: 8 Hour Excavation Competent Person (eight (8) credit hours); Confined Space Overview (eight (8) credit hours); and 16 Hour Manhole Operations and Safety Training (16 credit hours).
7. Attend approved SWANA training courses, if the Department deems the training is pertinent for landfill operators. [The hours of credit will vary and will be limited to actual classroom time.]
8. Attend other landfill related training classes; the landfill operator must submit to the Department (prior to attending the class) a request for evaluation training hours. If the Department deems the training is pertinent for landfill operators, the Department will identify total credit hours to be awarded. [The hours of credit will vary and will be limited to actual classroom time.]

For those training opportunities that are not sponsored by the Department, each landfill operator must submit a written request for approval of those credit hours. A copy of the pertinent training brochure or course outline must accompany the request. The outline must specify the course content and number of hours allocated to each topic.

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**INSPECTION FREQUENCY – SOLID WASTE FACILITIES
POLICY**

The following table provides minimum inspection frequencies for solid waste facilities. These timeframes should meet regulatory requirements for facility compliance schedules.

Class I Landfills	12 per year (No more than 45 days between inspections.)
Class II, III & IV Landfills	1 per quarter
Post Closure Inspection	2 per year
Permit By Rule Facility	1 per quarter
Convenience Center	1 per year
Land Application Facility	As Needed

Follow-up inspections should be done as needed to insure compliance at the facility. Scheduling of post closure inspections should allow for observation once during the wet season and once during the growing season.

[Signature on File]
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn074: Revision 1
Previous: September 1992

1-11-2013
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**RECORDS INSPECTION AT LANDFILLS
POLICY**

The following is a compilation of requirements for record keeping at landfills.

<u>Regulation/Policy</u>	<u>Subject Records</u>
.01(4)(d)2	Special Waste Records – The operator shall keep records on the receipt and management of special waste approvals.
.02 (2)(a)4	Application, Plans, and Supporting Documents – The operator shall keep all records used to complete permit applications.
.02(4)(a)7	Records Location – All records must be kept at the facility or other locations approved by the Commissioner.
.02(4)(a)9(ii)	Monitoring and Records – All monitoring records must be kept for the life of the facility and the post-closure care period. Minimum and type of information is identified here in the regulations.
.04(2)(k)3(i)(II)VI	Tires – The Operator shall keep records to establish when each tire pile was begun (to assure less than one year).
.04(2)(s)	Random Inspections – Random inspection records must be maintained in a bound notebook, and include the information specified in the rule. It will be the policy of this Division to require that random inspection records be kept for a minimum of three (3) years. Facilities may, at their discretion, choose to keep those records for a longer time. A copy of the random inspection checklist is found at policy 73.
.04(5)(a)4	Gas Migration Monitoring Records – The operator must keep all gas monitoring records as required in the rule.
.04(7)(a)4(vii)	Ground Water Monitoring Records – The operator must keep records of all ground water sampling activities, the analysis results, ground water surface elevations, and any other ground water records required in the permit. The records must be kept at the facility or some other location within Tennessee approved in the permit.
.08(3)	The Records of Waste Received – The operator shall maintain written records of waste received in tons. The current month’s records must be at

the facility. The facility must designate to DSWM the location of site of older records.

Policy 43

Records for Asbestos – The NESHAP manifest or its equivalent shall be adequate in lieu of other shipping and receiving records.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn072: Revision 1
Previous: August 1995

03-20-2001
Date

LANDFILL INCOMING WASTE RANDOM INSPECTION CHECKLIST

Use checklist for all suspicious loads and for 5% of all incoming loads of solid waste brought into the facility for disposal. Random inspections and records are required by the Rules promulgated under the Solid Waste Management Act at Rule 0400-11-01-.04(2)(s)

Date _____ Time _____

Customer _____ Vehicle License Plate # _____

Type Waste:

Municipal / County Commercial Industrial Construction / Demo

Are there any unauthorized wastes?

- | | |
|---|--|
| <input type="checkbox"/> automobile batteries | <input type="checkbox"/> unauthorized hazardous waste |
| <input type="checkbox"/> whole tires | (corrosive, ignitable, reactive, TCLP Toxic or listed hazardous waste) |
| <input type="checkbox"/> bulk liquid | |
| <input type="checkbox"/> pcb's | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> unauthorized special waste | |

Waste accepted?

yes no

Comments: _____

Inspector's Name (Print) Driver's Name (Print)

Inspector's Signature / Date

Driver's Signature / Date

Notification of unauthorized waste:

TN Division of Solid Waste Management

Name / Date

Waste Hauler

Name / Date

Waste Generator

Name / Date

pn073: Revision 1

Previous: August 1995

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**GROUNDWATER MONITORING FREQUENCY CHANGE
POLICY**

Landfill facilities in assessment with quarterly groundwater monitoring may be conditionally approved to continue monitoring with an alternate frequency (not less than semi-annual) as long as the facility provides proof that the conditions below are met. The new frequency should not change the facility status or any other requirement (i.e., sampling off-site drinking water supplies) under their Assessment Monitoring Program.

1. The landfill has been adequately characterized by installing additional monitoring wells/monitoring points by demonstrating the nature, and both vertical and horizontal extent of the release.
2. If contaminants have migrated off-site, all persons must be notified who own the land, and all persons who reside on the land that directly overlies any part of the plume of contamination.
3. The proposed sampling and reporting frequency must be capable of determining whether solid waste or solid waste constituents from the facility have entered the groundwater, the rate and extent of migration of waste or waste constituents in the ground water, and the concentration in the ground water of such wastes or waste constituents.
4. The proposed sampling frequency must be as protective of human health and the environment as the former frequency.
5. At minimum, eight consecutive quarters of groundwater monitoring data should be provided to demonstrate that there has been no significant variation in the overall mean value for any constituent at any sampling location.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn132: Original

7-1-10
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**GROUND WATER MONITORING GUIDANCE
FOR SOLID WASTE LANDFILL UNITS
POLICY**

Rule 0400-11-01-.04(7) provides the standards/requirements for the ground water monitoring of solid waste landfill (SWLF) units. This document provides regulatory guidance to the Division of Solid Waste Management (DSWM) staff and owners/operators (O/O) of permitted SWLF units regarding the ground water (GW) monitoring requirements. Additional technical guidance is provided in the 1993 EPA publication (EPA530-R-93-017) titled Solid Waste Disposal Facility Criteria found at web site <http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/techman/index.htm>. The requirements for the GW detection monitoring system and general sampling, analysis, and recordkeeping requirements are addressed in paragraphs I and II, followed by discussions of the GW detection, assessment, and quality assessment monitoring programs in paragraphs III, IV, and V. Paragraph VI describes when and how off-site drinking water sources are to be included in the assessment efforts. Attachment One consists of a flowchart which summarizes the different steps for GW monitoring and assessment programs as described in paragraphs III through VI below.

Note: Appendices I, II, and III referenced in this document are found in Rule 0400-11-01-.04.

I. GW Monitoring System

The detection GW monitoring system specifications for SWLF units are provided in Rule 0400-11-01-.04(7)(a)3 and are established during the permitting process for new SWLFs. SWLFs that were in existence on the effective date (March 18, 1990) of the new regulatory requirements were required to upgrade their existing system to achieve compliance. SWLFs must have a GW water monitoring system consisting of a sufficient number of wells and/or springs, placed at appropriate locations and depths, to yield GW samples from the uppermost aquifer that:

1. Represent the quality of background GW that has not been affected by leakage from the facility; and
2. Represent the quality of GW passing the compliance boundary hydraulically downgradient (e.g., based on static head differences) from the waste disposal area.

The actual number and placement of wells will be dependent on site-specific factors, including footprint size and physical layout, etc., and must *at least* include 1 upgradient and 2 downgradient monitoring points, unless other monitoring points and locations are otherwise approved by the DSWM.

All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole and have locking caps. This casing must be fitted with a

screened interval, with inert gravel or sand packed around the screen as necessary to enable collection of GW samples at depths where appropriate flow zones exist. The annular space (e.g., the space between the bore hole and the well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and/or the contamination of groundwater, and to prevent the loss of the volatile gases.

Note: Please refer to the 1993 EPA publication (EPA530-R-93-017) titled Solid Waste Disposal Facility Criteria found at web site <http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/techman/index.htm> for additional standards and technical guidance on the placement and construction of monitoring wells.

II. Sampling, Analysis, and Recordkeeping Requirements

The sampling, analysis, and recordkeeping requirements located in Rule 0400-11-01-.04(7)(a)4 apply to all GW monitoring programs under the regulations as described in this document.

1. GW monitoring programs must include consistent sampling and analytical procedures designed to ensure accurate monitoring results representative of actual GW quality at all monitored points in the approved GW monitoring system.
 - (a) At a minimum, the program must include procedures and techniques for:
 - (i) Sample collection;
 - (ii) Sample preservation and shipment;
 - (iii) Analytical procedures;
 - (iv) Chain of custody control; and
 - (v) Quality assurance and quality control.
 - (b) GW monitoring programs must include appropriate sampling and analytical methods, which accurately measure hazardous constituents and other monitoring parameters in GW samples. Unless otherwise approved by the DSWM, appropriate methods from EPA Publication SW-846 shall be used to analyze all samples except drinking water method 508A may be used for polychlorinated biphenyls. The laboratory reporting limits (PQL or PQL equivalent such as EQL, RL, LOQ, etc.) shall be the lowest practical

quantitation limits that can be reliably achieved within specified limits of precision and accuracy and shall be at least four times below all established groundwater protection standards in Appendix III of Rule 0400-11-01-.04 or other groundwater protection standards approved by the DSWM. There are SW-846 methods (e.g., 6010B) that have a few analytes (e.g. antimony, cadmium, and thallium) with practical quantitation limits (laboratory reporting limits) that are greater than groundwater protection standard(s). In those few cases, another SW-846 method (e.g., 6020) shall be used with the laboratory reporting limits being the lowest practical quantitation limits that can be reliably achieved within specified limits of precision and accuracy.

Note: GW samples shall not be field-filtered prior to laboratory analysis, unless both filtered and unfiltered samples are collected and analyzed.

2. GW elevations must be measured (to the nearest 0.01 foot) in each monitoring well prior to purging for every sampling event. The GW elevations shall be measured in all monitoring points whether or not a well will be sampled unless otherwise approved by the DSWM. The elevation for the top of the casing of all monitoring wells and all other monitoring points shall be established to Mean Sea Level (MSL). The O/O must determine the rate and direction of GW flow each time GW is sampled. GW elevations in wells monitoring the same waste management area must be measured in a period of time short enough to avoid temporal variations in GW water flow that could preclude accurate determination of GW flow rate and direction. Normally the measurements are made within a 24-hour period. All monitoring wells shall be inspected for the pad, above ground casing, locking cap, and lock integrity. The O/O shall replace any lock that has been compromised on the day of the finding. The O/O shall repair any monitoring well pad, casing, and locking cap that compromises the integrity of the monitoring well within fifteen days of the finding.
3. The O/O must establish background GW quality in **one or more hydraulically upgradient** well(s) and other approved monitoring points (springs) for each of the monitoring parameters/constituents of the approved GW program for the affected SWLF unit as required by Rule 0400-11-01-.04(7)(a)3(i). Rule 0400-11-01-.04(7)(a)5(ii)(II) requires a minimum of four independent samples be collected from each monitoring well (point) and analyzed for the constituents contained in Appendix I of this Rule, or those in the alternative list approved under Rule 0400-11-01-.04(7)(a)5(i)(I) or (II), prior to or during the first semi-annual sampling event period. Ideally, these four independent samples (from each monitoring point) should be collected and analyzed at three-month intervals (to enable fluctuations due to seasonal variations to be taken into account) prior to the initial semi-annual sampling event; however, at a minimum, each of the four independent samples (from each monitoring point) must be collected and analyzed at approximately two month intervals throughout the six month long semi-annual sampling event, after the initial background sampling event. Unless the O/O can demonstrate that the up-gradient GW quality has been impacted by another source, the background

levels for constituents that do not naturally occur, shall be the laboratory reporting limits (PQL or PQL equivalent such as EQL, RL, LOQ, etc.) for use in all GW Monitoring data evaluations. (Please read the note in subparagraph II.4 immediately below for additional clarification.)

4. The O/O must select and report in the GW Detection Monitoring Program document (Paragraph III below) a statistical method to be used in evaluating GW monitoring data. The number of samples collected to establish GW quality data must be consistent with the appropriate statistical procedures determined pursuant to Rule 0400-11-01-.04(7)(a)4(v). If the O/O desires to utilize an alternative statistical method, he must request a variance under Rule 0400-11-01-.04(7)4(vi) and receive approval from the DSWM prior to utilizing the alternative statistical method. Statistical evaluations are not applicable to all constituents that do not naturally occur unless the O/O can demonstrate to the Division's satisfaction that the contamination is from another source.

*Note: If background has not been established from an upgradient-monitoring point, then the O/O must install and sample at least one upgradient monitoring well to establish background. At existing facilities where background has not been established and the O/O can demonstrate to the Division's satisfaction that it is not possible to install an upgradient monitoring well(s) and no other options (e.g., spring) are available, then the O/O shall provide an alternative approach for statistical comparisons for DSWM approval. All demonstrations referred to in this note shall be submitted in a report certified in accordance with subparagraph II.8 below. Additionally if waste was placed in the SWLF unit prior to establishment of background concentrations under subparagraph II.3 above, resulting in the possibility that the downgradient wells have been affected, then the O/O **cannot** use any method that relies on intra-well comparisons unless the O/O can demonstrate to the Division's satisfaction that the monitoring point was not impacted at the time of sampling.*

5. The O/O must keep records of all GW activities conducted, all analytical results obtained, and all associated GW surface elevation measurements throughout the active life of the facility and throughout the post-closure care period as well. Such records must be kept at the facility or at some other location within Tennessee as specified in the permit.
6. The O/O must determine whether or not there has been a statistically significant increase above background values for each parameter or constituent, as required in the approved monitoring program for the SWLF, as dictated in the regulations and permit, and as described in this document. Comparison must be made of subsequent sample analytical results to background concentrations or values established using the selected statistical procedure, which will at least meet the general performance standard of assuring with a reasonable degree of confidence that the migration of waste constituents from the facility into or through the uppermost aquifer at the compliance monitoring boundary will be detected. Statistical evaluations are not applicable to all constituents that do not naturally

occur unless the O/O can demonstrate to the Division's satisfaction that the contamination is from another source. If any constituent that does not naturally occur is detected and the O/O **cannot** demonstrate to the Division's satisfaction that the contamination is from another source, then the landfill has impacted the GW and the presence of the constituent(s) are considered verification that there is a statistically significant increase above background value(s).

*Note: If waste was placed in the SWLF unit prior to establishment of background concentrations resulting in the possibility that the downgradient wells have been affected, then the O/O **cannot** use any method that relies on intra-well comparisons unless the O/O can demonstrate to the Division's satisfaction that the monitoring point was not impacted at the time of sampling. At existing facilities where background has not been established and the O/O can provide documentation and justification that it is not possible to install an upgradient monitoring well(s), then the O/O shall provide an alternative approach for statistical comparisons for DSWM approval.*

7. All GW sampling and analysis results, statistical determinations, and associated recordings of GW water surface elevations must be submitted to the DSWM within sixty (60) days following the last day of the sampling event. To facilitate handling and evaluation of this data, the Commissioner may specify the manner and form in which the data must be reported as authorized in Rule 0400-11-01-.04(7)(a)4(viii). All GW monitoring reports shall at a minimum provide the following:
 - (a) A description of the sampling procedures performed (including field measurements of pH, conductivity, temperature, turbidity, etc.; and calculations/measurements of purge volumes), the date(s) and time(s) of field activities (including field instrument calibration and decontamination), and the weather conditions at the site when the activities were performed. Much of this information may be reported in field data forms for each monitoring point. The sampling shall be conducted in accordance with procedures established in an approved Detection Monitoring or GW Quality Assessment Program.
 - (b) The MSL elevation of the top of the casing for each monitoring well, the location and the GW surface elevations for each monitoring point (e.g., wells, springs, etc.), and the GW flow direction and rate.
 - (c) A description of the results the inspections of all monitoring wells pad, above ground casing, locking cap, and lock. The O/O shall replace any lock that has been compromised on the day of the finding. The O/O shall repair any monitoring well pad, above ground casing, and locking cap that compromises the integrity of the monitoring well within fifteen days of the finding.
 - (d) On a to-scale map of the facility, the locations of all monitoring points, the MSL potentiometric surface determined from water level measurements

collected during the event, the property boundaries, and active and closed fill areas.

- (e) A list of the monitoring parameters and the methods used to analyze the samples.
 - (f) Copies of the chain of custody forms and the laboratory report sheets.
 - (g) Tables listing each monitoring point and including the results of the most recent sampling event, background GW quality concentrations established under subparagraph II.3 above, and GW protection standards established under part IV.1.(c) below for all parameters/constituents. (These tables shall also be provided in a spreadsheet(s) on computer disk.)
 - (h) The statistical method used that is established in accordance with subparagraph II.4 above.
 - (i) The results of the statistical evaluation to determine whether or not there has been a statistically significant increase above background values for all naturally occurring parameters/constituents monitored.
Note: Other constituents, that do not naturally occur and O/O have demonstrated to the Division's satisfaction that the contamination is from another source, shall also undergo statistical evaluation.
 - (j) For SWLFs that are submitting a report under the GW Quality Assessment Program under paragraph V. below must include a narrative description of the rate and extent of migration of waste or waste constituents in the GW. In addition to the information required in part II.6.(i) above, the to-scale map(s) must show the extent of contamination for all parameters/constituents that are above the groundwater protection standards.
 - (k) A conclusion section that summarizes the results of the GW sampling event, notes anything unusual, and provides the appropriate sampling/analyses determinations (based on the appropriate GW monitoring program) and the approximate start date for the next planned sampling event. The conclusion shall also summarize all naturally occurring constituents that are statistically significant above background values, all detected constituents that do not naturally occur, and all constituents that exceed the GW protection standards established under part IV.1.(c) below.
 - (l) The certification described in subparagraph II.8 below.
8. All plans, programs, and reports must be certified by a person representing the O/O as described in Rule 0400-11-01-.02(2)(a)7, 8 and 10.

III. Detection Monitoring Program

Detection Monitoring Program requirements are found in Rule 0400-11-01-.04(7)(a)5 and are established during the permitting process for SWLFs.

1. The program must be described in a document titled “Ground Water Detection Monitoring Program Plan” and is part of the permit (Narrative Description of the Facility and Operations). The GW Detection Monitoring Program Plan must be submitted to the DSWM for approval. Normally this occurs during the permitting process. The O/O cannot make modifications to the approved GW Detection Monitoring Program Plan without submitting a written request and receiving written approval from the DSWM. The GW Detection Monitoring Program Plan must describe the following:
 - (a) For each monitoring point, the detection monitoring parameters for which the GW sample will be analyzed and the analytical method to be utilized.
Note: The parameters will be those set forth in Appendix I unless DSWM has approved in writing a request to delete any of the Appendix I parameters and/or establish an alternative list of inorganic indicator parameters in accordance with Rule 0400-11-01-.04(7)(a)5(i) (I) and (II).
 - (b) Each of the monitoring points (e.g., wells and springs) in the approved GW monitoring system, and the frequency at which each point will be sampled. The monitoring points must be shown on a to-scale map of the facility which also shows the boundaries of the facility and the active, closed, and planned fill areas; roads and buildings; and topographic features (e.g., sinkholes). Unless otherwise specifically approved by the DSWM, each monitoring point must be sampled at least semi-annually.
 - (c) The background GW quality data established or to be established for newly permitted SWLF in accordance with subparagraph II.3 above.
 - (d) The field procedures to be utilized in measuring water levels, purging monitoring wells, and collecting GW water samples from monitoring wells, springs (where applicable), and/or domestic water supply wells (where applicable). This must identify how portable, direct reading electronic instruments will be utilized in the field efforts, and how the field efforts and resulting data will be recorded.
 - (e) The method to be used for each sampling event to perform the statistical evaluation of the analytical data required in subparagraph II.4 above. Such evaluations must be performed for **each** sampling event in accordance with a method listed in Rule 0400-11-01-.04(7)4(v) unless an alternative statistical method is specifically approved by the DSWM. If the O/O desires to utilize an alternative statistical method, he must request a variance under

Rule 0400-11-01-.04(7)4(vi) and receive approval from the DSWM under Rule 0400-11-01-.01(5) prior to utilizing the alternative statistical method. *Note: O/O shall follow the guidance in subparagraphs II.3, II.4 and II.6 above regarding background and statistical methods.*

- (f) All GW Detection Monitoring reports shall be submitted in compliance with the requirements of subparagraph II.7 above.
2. If the O/O determines that there is a statistically significant increase above background for any constituent that naturally occurs or the detection of any constituent that does not naturally occur for one or more approved detection monitoring parameters, then the O/O must, within 14 days of this finding, send a notice to the DSWM adequately detailing the findings. Statistical evaluations are not applicable to all constituents that do not naturally occur unless the O/O can demonstrate to the Division's satisfaction that the contamination is from another source. If any constituent that does not naturally occur is detected and the O/O **cannot** demonstrate to the Division's satisfaction that the contamination is from another source, then the landfill has impacted the GW and the existence of the constituent(s) documents for all purposes that there is a statistical significant increase above background value(s). The O/O has 90 days [Rule 0400-11-01-.04(7)(a)5(iii)(III)] from sample analysis to demonstrate that a source other than a SWLF unit caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, and/or statistical evaluation, or from natural variation in GW quality. The 90-day time frame for a demonstration begins on the date the sample(s) is analyzed by the laboratory. A report documenting this demonstration must be certified by a qualified GW scientist and approved by the DSWM. If a successful demonstration is documented and approved, the O/O may continue detection monitoring as specified in this section. If, however, such a demonstration is not documented by the O/O and approved by the DSWM within 90 days from the date the sample(s) is analyzed by the laboratory, then the O/O shall initiate an assessment monitoring program as set forth in paragraph IV below [Rule 0400-11-01-.04(7)(a)5(iii)(III)].

IV. Assessment Monitoring Program

Assessment monitoring is required whenever a statistically significant increase above background has been determined for any constituent that naturally occurs or the detection of any constituent that does not naturally occur for one or more of the Appendix I constituents or alternative constituents approved under Rule 0400-11-01-.04(7)(a)5(i)(I) or (II). Statistical evaluations are not applicable to all constituents that do not naturally occur unless the O/O can demonstrate to the Division's satisfaction that the contamination is from another source. There are three distinct phases to the GW assessment program, which the DSWM refers to as Phase 1, 2 and 3. The three different phases of GW Assessment are described in subparagraphs IV.1, IV.2, and IV.3 below.

Note: The O/O may document or attempt to document that the impact to the GW is due to gas migration and not from leachate at the SWLF. Regardless of how the GW is impacted

by a SWLF (gas or leachate), if the constituents are above background, the SWLF remains in assessment. SWLF impacts by gas migration do not in any way eliminate or reduce the duty to comply with the assessment and corrective action requirements. However, the O/O may take immediate action to correct the likely cause of the impact (gas and/or leachate), but the O/O cannot defer compliance with the required assessment activities.

1. GW Assessment Monitoring Phase 1

(a) Ninety (90) days from sample analysis showing a statistically significant increase above background for any constituent that naturally occurs, or the detection of any constituent that does **not** naturally occur for one or more of Appendix I constituent(s) or alternative constituent(s) [Rule 0400-11-01-.04(7)(a)6(ii)], the O/O shall initiate GW Assessment Monitoring Phase 1. Within the next 90 day of initiating GW Assessment Monitoring Phase 1, the O/O shall:

(i) Initial Assessment Sampling Event – Sample and analyze all downgradient-monitoring points (e.g., wells, springs, etc.) for all Appendix II constituents for the initial assessment sampling event. The O/O may request deletion of some of the Appendix II constituents from this initial assessment sampling event, provided he can adequately justify that the removed constituents are not reasonably expected to be in, or derived from, the waste contained in the unit. The O/O may also request approval to sample an appropriate subset of monitoring points. All requests shall be made in writing with justification and be certified by a person representing the O/O in accordance with subparagraph II.8.

Note: In order to comply with the ninety (90) day time frame, this must be conducted within the first thirty (30) days.

(ii) Background Sampling for Identified Appendix II Constituents – Sample and analyze all approved upgradient and downgradient monitoring points (e.g., wells, springs, etc.) for four independent samplings within sixty (60) days in order to comply with the ninety (90) day time frame. The samples shall analyzed for all Appendix II constituents detected in the Initial Assessment Sampling Event described in subpart IV.1.(a)(i) that had not been previously detected. The purpose of the four sampling events is to establish background for any Appendix II constituent for which background had not been previously established and obtain data for the required statistical evaluation. Background must be established from an upgradient monitoring point for any Appendix II constituent that background had not been previously established. Unless the O/O can demonstrate that the up-gradient GW quality has been impacted by another source, the background levels for constituents that do not naturally occur shall be the laboratory reporting limits (PQL or PQL

equivalent such as EQL, RL, LOQ, etc.) for use in all GW monitoring data evaluations.

Note: Please read the note in subparagraph II.4 above for additional clarification

- (b) The O/O must notify the DSWM of all detected Appendix II constituents within 14 days of obtaining analytical results [Rule 0400-11-01-.04(7)(a)6(iii)(I)] in compliance with part IV.1.(a) above.
- (c) Within sixty (60) days after completing the sampling under part IV.1.(a) above, the O/O must submit a report that complies with all of the parts in subparagraph II.7 above. If all Appendix II constituents concentrations are **below** the GW protection standards, then the O/O shall proceed to Phase 2 of the Assessment Monitoring Program (subparagraph IV.2 immediately below). If any Appendix II constituent concentration is **above** its GW protection standard, then the O/O must notify the DSWM within 14 days of the this finding and proceed to a GW Quality Assessment Program (paragraph V. below).
- (d) All SWLFs must be designed, constructed, operated, maintained, closed, and cared for after closure to comply with the GW protection standards.
 - (i) The GW Protection Standards shall be:
 - (1) For constituents for which a maximum contaminant level (MCL) is listed in Appendix III of Rule 0400-11-01-.04, the MCL for that constituent; or
 - (2) For constituents for which MCLs have not been promulgated, the background concentration for the constituent established from wells installed in accordance with Rule 0400-11-01-.04(7)(a)3; or
 - (3) For constituents for which the background level is higher than the MCL in Appendix III of Rule 0400-11-01-.04 or health based levels identified under subpart IV.1.(d)(ii) below, the background concentration.
 - (ii) The O/O may request, and the DSWM may approve, an alternative GW protection standard for constituents without MCLs. The MCLs are provided in Appendix III of Rule 0400-11-01-.04. Each alternative GW protection standard shall be one number for the site, like a MCL, that does not vary from monitoring point to monitoring point. The alternative GW protection standard cannot be changed from monitoring event to monitoring event because the data used for establishing a standard is based on long-term exposure. The request

must be in the form of an Alternate GW Protection Demonstration Report prepared and certified by a qualified toxicologist. The report must demonstrate that the requested alternative GW protection standard(s) is protective of public health and the environment in compliance with all the requirements under Rule 0400-11-01-.04(7)(a)1(ii) and (iii) [this subpart and subpart (iii) below]. [See the note at the end of part IV.1.(d).] The report must also be certified by the O/O. These GW protection standards shall be appropriate health based levels that satisfy the following criteria:

- (1) The level is derived in a manner consistent with Environmental Protection Agency guidelines for assessing the health risks of environmental pollutants (51 CFR 33992, 34006, 34014, 34028, Sept. 24, 1986);
 - (2) The level is based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792, August 17, 1989) or equivalent;
 - (3) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level (due to continuous lifetime exposure) within the 1.0×10^{-4} to 1.0×10^{-6} range; and
 - (4) For systemic toxicants, the level represents a concentration to which the human population (including sensitive subgroups) could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this subpart, systemic toxicants include toxic chemicals that cause affects other than cancer or mutation.
- (iii) The synergistic/additive impacts due to the presence of multiple contaminants in the GW, exposure threats to sensitive environmental receptors, and other site-specific exposure or potential exposure to GW should be taken into consideration in establishing alternative GW protection standards.

Note: In lieu of having a qualified toxicologist prepare and certify an Alternate GW Protection Demonstration Report, the O/O and his/her representative may use USEPA Region 9's Preliminary Remediation Goals for tap water as alternative GW protection standards for constituents without MCLs. USEPA Region 9's Preliminary Remediation Goals and User's Guide and Background Technical Document can be found at

<http://www.epa.gov/region09/waste/sfund/prg/index.html>. Each alternative GW protection standard shall be one number for the entire site, like a MCL GW protection standard, that does not vary from monitoring point to monitoring point.

2. GW Assessment Program-Phase 2

(a) Sampling and Analysis

- (i) The O/O must semi-annually sample and analyze GW samples from all monitoring points (e.g., wells, springs, etc.) for the following:

1st Sampling Event: All Appendix I constituents, any additional approved alternative parameters, and all other Appendix II constituents that have been previously detected during GW monitoring.

2nd Sampling Event: All Appendix II constituents and any additional approved alternative parameters.

- (ii) The O/O may request to delete any of the Appendix II monitoring parameters for a SWLF unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit. Additionally, the O/O may request to sample a selected subset of monitoring points for the Appendix II monitoring parameters. All requests shall be made in writing prior to the sampling event with adequate justification and be certified by a person representing the O/O in accordance with subparagraph II.8 above. A reduction in sampling parameters and/or monitoring points requires approval by the DSWM prior to the sampling event.

- (b) Within sixty (60) days after completing the semi-annual sampling under part IV.2.(a) above, the O/O must submit a report in compliance with subparagraph II.7 above. [Rule 0400-11-01-.04(7)(a)6(ii)]. If all Appendix II constituents concentrations are **below** the GW protection standards, then the O/O shall remain in the GW Assessment Program under Phase 2 until all naturally occurring Appendix II constituents are statistically below background and other constituents that do not naturally occur (e.g. organics) are below their laboratory reporting limit for two consecutive sampling events. If any Appendix II constituent concentration is **above** its GW protection standard, then the O/O must notify the DSWM within 14 days of the this finding and proceed to a GW Quality Assessment Program (paragraph V. below).

V. GW Quality Assessment Program – Phase 3

1. The O/O must submit a **GW Quality Assessment Plan** to the DSWM not more than forty-five (45) days after the O/O is aware that any Appendix II constituent(s) concentration(s) is **above** its GW protection standard. Additionally, Rule 0400-11-01-.04(7)(a)7 requires the O/O to initiate the assessment of corrective measures within ninety (90) days after the O/O is aware of any exceedance. The DSWM should send a **Notice of Violation “NOV”** letter to the O/O for violating the GW Protection Standard under Rule 0400-11-01-.04(7)(a). The **“NOV”** should establish the compliance date for the submittal of the **GW Quality Assessment Plan**. **The DSWM is authorized to require the O/O take any measure necessary to protect human health and the environment [Rule 0400-11-01-.04(7)(a)9(i)(III)] and the DSWM may require such action at any time [Rule 0400-11-01-.04(7)(a)6(iv)(VIII)].**

2. GW Quality Assessment Plans shall describe in detail the activities necessary to:
 - (a) Determine whether solid waste or solid waste constituents from the SWLF have entered the GW, the rate and extent of migration of waste or waste constituents in the GW, and the concentration in the GW of such waste or waste constituent(s).

 - (b) Specify the number of additional GW sampling locations (springs and wells) and depth of additional well(s) to define the nature and the vertical and horizontal extent of the release. At least one additional monitoring well must be installed at the SWLF boundary in the direction of the contaminant(s) migration.

 - (c) Notify all persons who own land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.
Note: This shall be documented and updated annually as required under subpart VI.2.(a)(iii).

 - (d) Identify all domestic and commercial water use sources within a one-mile radius from the center of the SWLF. The plan must propose a user survey that identifies all sources of drinking water (wells and/or springs) within a one-mile radius from the center of the SWLF. The plan must specify that a report containing the results of the survey will be submitted to the DSWM within 45 days of approval of the plan. The O/O may request a reduction or modification to the one-mile radius if adequate justification (e.g. a hydrogeologic barrier or divide such as river is within the one-mile radius) is provided and accepted by the DSWM. The survey report shall contain a topographic map (or legible enlarged copy) identifying the drinking water sources, the latitude and longitude coordinates, the names, addresses and phone numbers (if publicly available) of the owners, the SWLF property boundaries, the SWLF operational boundaries and the one-mile radius.

- (e) Conduct quarterly sampling in accordance with subparagraph V.4 below.
 - (f) Comply with paragraph II (Sampling, Analysis, and Recordkeeping Requirements) above.
3. A qualified GW scientist and a person representing the O/O as described in Rule 0400-11-01-.02(2)(a)7, 8 and 10 must certify the GW Quality Assessment Plan. If the initial plan is deficient, then a Notice of Deficiency (NOD) should be issued requiring a revised GW Quality Assessment Plan. If the revised Plan is deficient, a **Notice of Violation (NOV)** should be issued requiring a second revised GW Quality Assessment Plan. If the second revised GW Quality Assessment Plan is deficient, a **Second Notice of Violation (NOV)** should be issued requiring a third revised GW Quality Assessment Plan, and the DSWM Environmental Field Office shall submit an enforcement request due to the O/O's failure to provide an adequate GW Quality Assessment Plan.
- Note: This is consistent with the DSWM Enforcement Policy. Discussions among the Field Office Staff, Enforcement Chief and, as appropriate, the Director, are in order for any unusual circumstances.*
4. While the assessment plan is being developed and approved, and throughout implementation, the O/O must conduct quarterly sampling of all monitoring points (e.g., wells, springs, etc.) and submit results in quarterly reports. Quarterly the O/O shall sample and analyze all monitoring points (e.g., wells, springs, etc.) for the following:
- 1st Sampling Event: All Appendix I constituents, any additional approved alternative parameters, and all other Appendix II constituents that have been previously detected during GW monitoring.
 - 2nd Sampling Event: All naturally occurring constituents with a statistically significant increase above background and all detected constituents that do not naturally occur (See subparagraph II.6 above).
 - 3rd Sampling Event: All Appendix II constituents and any additional approved alternative parameters.
 - 4th Sampling Event: All naturally occurring constituents with a statistically significant increase above background and all detected constituents that do not naturally occur (See subparagraph II.6 above).
5. The SWLF shall remain in the GW Quality Assessment Program until the extent and nature of contamination in the GW has been defined for all constituents that

have been released by the SWLF and an acceptable corrective action GW monitoring program under Rule 0400-11-01-.04(7)(a)9(i)(I) has been implemented.

VI. Off-Site Drinking Water

1. The requirements of this section apply to a SWLF when:
 - (a) The O/O fails to comply with any compliance schedule under paragraph V (GW Quality Assessment Program).
 - (b) Assessment monitoring performed pursuant to paragraphs IV and V above find that Appendix II constituent(s) concentration(s) is **above** its GW protection standard at any down-gradient monitoring point for more than one year and the extent of contamination in the GW has not been adequately defined.
 - (c) The DSWM determines, based on site-specific conditions (e.g., karst geologic formations), that the provisions of this section should be implemented without waiting for a year of documented exceedances of a GW Protection Standard.

*Note: The DSWM is authorized to require the O/O take **any measure necessary** to protect human health and the environment [Rule 0400-11-01-.04(7)(a)9(i)(III)] and the DSWM may require such action at any time [Rule 0400-11-01-.04(7)(a)6(iv)(VIII)].*

2. As required pursuant to subparagraph VI.1 above, the O/O shall perform the following activities:
 - (a) Area GW User Survey
 - (i) The O/O will conduct a user survey that identifies all sources (wells and/or springs) used for drinking water within a one-mile radius from the center of the SWLF. However, the O/O may request a reduction or modification to the one-mile radius if adequate written justification (e.g., hydrogeologic barrier or divide such as river is within the one-mile radius) is provided by the O/O to, and accepted in writing by, the DSWM. All requested reduction or modification shall be made in writing with justification and be certified by a person representing the O/O in accordance with subparagraph II.8.
 - (ii) Unless a longer time period is allowed by the DSWM, the user survey will be completed and a report submitted to the DSWM within 45 days of the date the DSWM directs the O/O to perform the survey. The report shall contain a topographic map (or legible enlarged copy) identifying the drinking water sources, the latitude

and longitude coordinates, the names, addresses and phone numbers (if publicly available) of the owners, the SWLF property boundaries, the SWLF operational boundaries and the one-mile radius (or alternative boundary accepted by the DSWM).

- (iii) The O/O shall update the user survey required under subpart VI.2.(a)(i) at least on an annual basis and submit the results of the survey annually. In conjunction with the annual user survey, the O/O shall document the notification to all persons who own land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site. Notification is required under part V.2(c) above and Rule 0400-11-01-.04(7)(a)6(iv)(V).

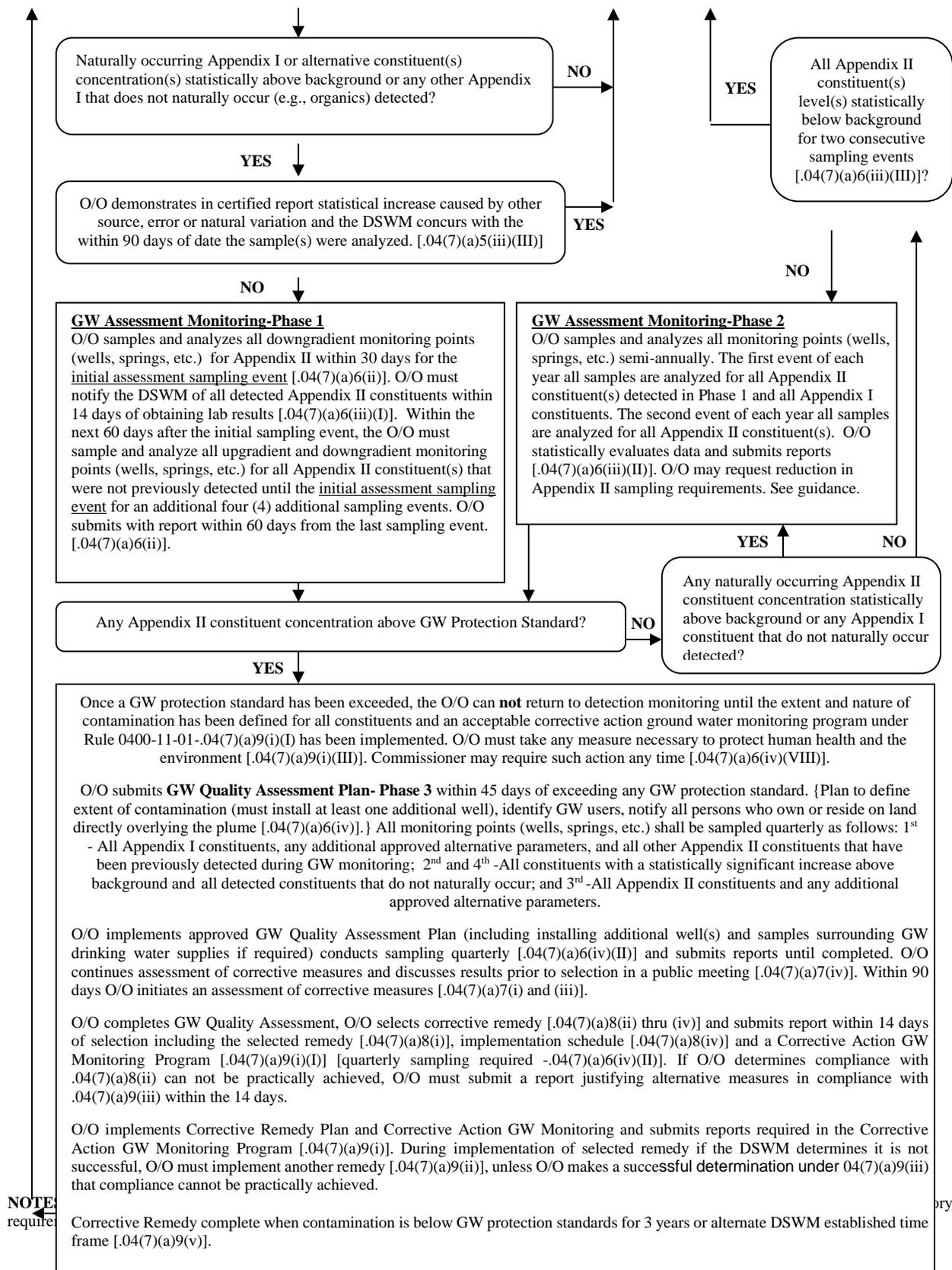
(b) Monitoring of Off-Site Drinking Water Sources

- (i) If assessment monitoring at the SWLF has determined that any Appendix II constituent concentration is **above** its GW protection standard, the O/O must collect representative GW samples from all drinking water sources identified in the Area GW User Survey and analyze each sample collected for: (1) all Appendix II constituents that do not naturally occur and were detected in the SWLF's GW, and (2) all naturally occurring Appendix II constituents that are **above** its GW protection standard. The O/O is not required to sample for any Appendix II constituent if a written demonstration is submitted to the DSWM, and the DSWM concurs that the constituent detected at the SWLF is a result of another source or natural variation under Rule 0400-11-01-.04(7)(a)5(iii)(III). Such demonstrations shall be certified by the O/O in accordance with subparagraph II.8 above and a qualified GW scientist. The O/O may request a reduction in the number of drinking water sources to be sampled if adequate written justification is provided and accepted in writing by the DSWM. All requested reductions shall be made in writing with justification and be certified by a person representing the O/O in accordance with subparagraph II.8 above. If any Appendix II constituent that does not naturally occur is detected, and/or if any Appendix II constituent that naturally occurs is detected above its GW protection standard, then the O/O shall notify the DSWM by telephone or fax of the detection within one working day and resample the water source and provide the analytical results to the DSWM within two working days. The time frame for the resample and notification begins when the O/O becomes aware of the analytical results. The complete results from the sampling and analyses of the drinking water sources must be submitted to the DSWM within 30 days of the last day of the sampling event, and in a report that meets the requirements of subparagraph II.7 above.

- (ii) The O/O must notify and provide the analytical results by letter to all off-site water source owners and users (renters, etc. if known), whose water sources were sampled. If the initial and verification sampling and analyses described in subpart VI.2(b)(i) above documents any detection of an Appendix II above its GW protection standard, the O/O shall notify the off-site water source owner(s) and users (renters, etc. if known) by telephone (if publicly available) and in writing by certified mail of the sampling/analyses results. If the O/O is unsure if any other person(s) uses the impacted off-site water source, then in the certified letter the O/O shall request the name(s), address(s) and phone number(s) (if publicly available) of any other users and inform the impacted off-site water source owner that they need to notify any other users. The O/O shall provide a copy of all correspondence and analytical results to the DSWM.
- (iii) If the SWLF is the most reasonable cause of an Appendix II constituent being found above the GW protection standard(s) in an off-site drinking water source(s), then the DSWM staff shall recommend the O/O to provide the impacted off-site party with an alternative drinking water. If the O/O does not want to provide an alternative drinking water, the DSWM Field Office staff shall notify the Director and the Solid Waste Management Program Manager by telephone and by e-mail to determine the next steps for the Department regarding the impacted off-site water supply.
- (iv) The O/O shall continue collecting and analyzing samples of off-site drinking water sources in accordance with subpart VI.2.(b)(i) semi-annually. The off-site samples shall be collected during 1st and 3rd sampling events listed in subparagraph V.4. This sampling shall continue until the approval of the Corrective Action GW Monitoring Program under Rule 0400-11-01-.04(7)(a)9(i)(I) or the site is in compliance with Rule 0400-11-01-.04(7)(a)9(v).

Attachment One
Ground Water Monitoring and Corrective Action for Solid Waste Disposal Facilities

Detection Monitoring – Owner operator (O/O) samples and analyzes all monitoring points (wells, springs, etc.) in accordance with the approved detection monitoring plan at least semi-annually, statistically evaluates data as applicable and submits reports within 60 days from the sampling event [.04(7)(a)5].



NOTE
required

NOTICE

The guidance provided in this document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the State of Tennessee. DSWM officials may follow the guidance provided in this document, or vary from said guidance, based on site-specific circumstances. The DSWM also reserves the right to change this guidance at any time without public notice.

[Signature of File]
Mike Apple, Director
Division of Solid Waste Management
pn124: Revision 1
Previous: August 2005

[4-19-06]
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**REVIEWING GROUND WATER MONITORING REPORTS
FOR SOLID WASTE LANDFILLS
POLICY**

Objective:

- (1) Implement a Ground Water Report Review Checklist for use by solid waste facilities and geologists, whose primary duties involve groundwater compliance review for Solid Waste Landfills.
- (2) Integrate pertinent data from the checklist to a Ground Water Summary Spreadsheet covering all facilities with a ground water monitoring program at each Environmental Assistant Center (EAC).

Use of the Checklist:

The Division is adopting the use of the attached Ground Water Report Review Checklist to help facilitate consistent report review, ensure that important items are not overlooked, and maintain an ongoing quick reference to the history of ground water monitoring at a given facility.

Any observed problems (checked items) may easily be followed by the cited regulation on the checklist.

The EAC Geologist should evaluate each ground water sampling report submitted to their office with the Ground Water Report Review Checklist. Completed copies of the review should be forwarded to the Central Office and the appropriate facility.

Use of the Ground Water Summary Spreadsheet

The Division is adopting the use of the attached Ground Water Summary Spreadsheet, which will provide information from the checklist pertinent to the ground water monitoring program for all facilities at each EAC.

The EAC Geologist should submit the Ground Water Summary Spreadsheet semi-annually (July 1 & January 1).

The information gained from the spreadsheet will be used by the Central Office to write a summary report reflecting overall ground water conditions at solid waste landfills throughout the State. The summary report should be written and available semi-annually.

_____[Signature on File]_____
Mike Apple, Director
Division of Solid Waste Management
pn116: Original

_____04/07/2003_____
Date

GROUND WATER REPORT REVIEW CHECKLIST

Facility Name: _____ ID #: _____

() Class I () Class II () Class III () Class IV Status: () OPEN () CLOSED

Type Monitoring: () Detection () Assessment

Date Sampled: _____ Date Last Sampled: _____ Expected Date Next Sampling: _____

Current Sampling Interval: () Semi-annual () Quarterly () Other: _____

Parameters: () Appendix I () Appendix II () Others: _____

Wells: Upgrade: _____ Downgrade: _____ Other Points _____

Sampled with (pumps, bailers, dedicated/portable, etc?): _____

Report Written By (Company/Author): _____

Date Received: _____ Date(s) Reviewed: _____

Code	REPORT ADDRESSES	Yes	No	COMMENTS
7100	Report submitted within 60 days of sampling event? 0400—11—01—.04(7)(a)4.(viii)			
7120	Report indicates that sampling has been done in accordance with facility's approved monitoring plan 0400—11—01—.04(7)(a)5.(i)			Date of approved version: Amendments/revisions:
7130	Analytical Results Provided 0400—11—01—.04(7)(a)4.(viii)			Field Parameters: Lab Analysis: Summary Spreadsheets Included:
7140	Leachate Analyzed 0400—11—01—.04(4)(a)8.(ii)			Date of Analysis:
7150	Copies of Field Data Sheets/Record 0400—11—01—.02(4)(a)9.(iii) 0400—11—01—.04(7)(a)5.(l)			Sampling Personnel: Employed by: Place sampled: Sampling Date(s) and Time(s) recorded: Others/Observers present:
7160	Copies of laboratory reports 0400—11—01—.02(4)(a)9.(iii)			Laboratory: Analysis dates: Personnel performing analysis: Correct analytical methods & equipment:
7170	Chain of Custody forms 0400—11—01—.04(7)(a)4.(i) II and IV			Holding times adhered to: Sample preservation and transport appropriate:
7180	Ground Water Elevations 0400—11—01—.04(7)(a)4.(ii) 0400—11—01—.04(7)(a)5.(ii)(III) 0400—11—01—.02(4)(a)9.(ii)			
7190	Flow direction and rate information 0400—11—01—.04(7)(a)4.(ii)			Method used:
7200	Statistical evaluation of analytical data 0400—11—01—.04(7)(a)4.(v)			Method used:
7210	Statistically significant increase over background indicated 0400—11—01—.04(7)(a)5.(iii)			14 Day notification done: Assessment program est. w/in 90 days: Other source demonstrated:

Continued On Reverse

GROUND WATER SAMPLING EVENT REPORT REVIEW

FACILITY _____

SAMPLING EVENT DATE(S) _____

Code	REPORT ADDRESSES	Yes	No	COMMENTS
7220	Inorganics exceed the MCLs or GW protection std 0400—11—01—.04(7)(a)1. And .04(7)(b, c, or d) as appropriate			Parameter(s)/MCL or standard (Well/Concentration):
7230	VOC's present in the ground water analysis 0400—11—01—.04(7)(a)4(viii)			Parameter(s) (Well/Concentration):
7240	VOC's (if present) exceed MCLs or GW protection std 0400—11—01—.04(7)(a)1. And .04(7)(b, c, or d) as appropriate			Parameter(s)/MCL or standard (Well/Concentration):
7250	Facility has a statistically significant exceedance of 1 or more parameter? 0400—11—01—.04(7)(a)4(viii) and (ix) 0400—11—01—.04(7)(a)5(iii)			Parameter(s) (Well/Concentration):

GENERAL COMMENTS

Condition of wells, equipment malfunction, weather, "dry" wells, problems encountered, – Reviewer's general notes or questions based on evaluation of this report, etc.

Reviewed by: _____ Signature: _____ Date: _____

SAMPLE

**GROUND WATER SUMMARY
SPREADSHEET**

Columbia “Class I” Facilities

SITE ID #	Status	Name	Frequency	Monitoring Status	Sample Date	Violation Code(s)	Contaminant(s)
SNL591020238	O	Cedar Ridge Landfill	Semiannual	Detection	11/13/2002		
SNL501020221	C	Lawrenceburg/County Landfill	Semiannual	Detection	12/14/2002		
SNL021020101	O	Quail Hollow Landfill	Semiannual	Detection	11/14/2002		
SNL261020204	C	Franklin County Landfill	Semiannual	Detection	9/7/2002	7220	Cadmium
SNL281020204	C	Pulaski City Landfill	Semiannual	Assessment	8/13/2002	7220, 7230, 7240, 7250	Multiple Volatiles
SNL511020076	C	Hohenwald City Landfill	Semiannual	Detection	9/11/2002		
SNL521020169	C	Fayetteville/Lincoln Co. Landfill	Quarterly	Assessment	10/31/2002	7220, 7230, 7240, 7250	Multiple Volatiles
SNL601020060	C	Maury County Landfill	Semiannual	Assessment	10/1/2002	7220, 7230, 7240, 7250	Chloride, Multiple metals, & Benzene
SNL681020104	C	Perry County Landfill	Semiannual	Detection	8/22/2002		
SNL411020033	C	Hickman County Landfill	Semiannual	Detection	10/30/2002	7220, 7250	Mercury

Columbia “Class II” Facilities

IDL281020059	O	Magetteaux Ind. Landfill	Semiannual	Detection	11/14/2002		
IDL501020060	O	UCAR Lawrenceburg Landfill	Semiannual	Detection	8/8/2002		
IDL511020037	O	Boston/Dana Ind. Landfill	Semiannual	Detection	11/15/2002		
IDL601020017	O	Solutia Ind. Landfill	Semiannual	Detection	9/18/2002		
IDL601020030	C	Monsanto Landfill	Semiannual	Detection	9/18/2002		
IDL601020032	C	Associated Commodities Landfill	Semiannual	Assessment	12/12/2002	7220, 7250	Chloride, Barium, & Aluminum
IDL601020047	O	UCAR Columbia Landfill	Semiannual	Detection	8/9/2002		
IDL601020055	O	Occidental Ind. Landfill	Semiannual	Detection	10/16/2002		
IDL601020089	O	Rhodia Ind. Landfill	Semiannual	Detection	11/15/2002		

Columbia “Class III & IV” Facilities

DML601020029	O	Maury County Demo Landfill	Semiannual	Detection	10/1/2002		
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**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**STORAGE OF SOLID WASTE INCIDENTAL TO RECYCLING,
REUSE, RECLAMATION OR SALVAGE
GUIDANCE**

Purpose

The intent of this guidance is to provide the Division of Solid Waste Management (DSWM) Field Offices with methodology for assessing compliance with the conditions for a permit exemption for the storage of solid waste incidental to its recycling, reuse, reclamation or salvage. One of the conditions for exemption requires storage in a manner that minimizes the potential for harm to the public and the environment. The storage of solid waste incidental to its recycling, reuse, reclamation or salvage, including non-new tires, must be conducted in a manner that does not create harm to the public or environment. An example of this would be the storage of non-new tires in a way that allows the pooling of water, creating breeding habitats for vectors, such as mosquitoes, which are known transmitters of the West Nile and Zika viruses.

Applicable Statutes and Regulations

The following Tennessee state statutes and DSWM Rules Governing Solid Waste Processing and Disposal are applicable to the storage of solid waste incidental to its recycling, reuse, reclamation or salvage.

T.C.A. § 68-211-103(9) defines solid waste disposal as:

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

T.C.A. § 68-211-104(3) and (4) state:

It is unlawful to:

- (3) *Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*

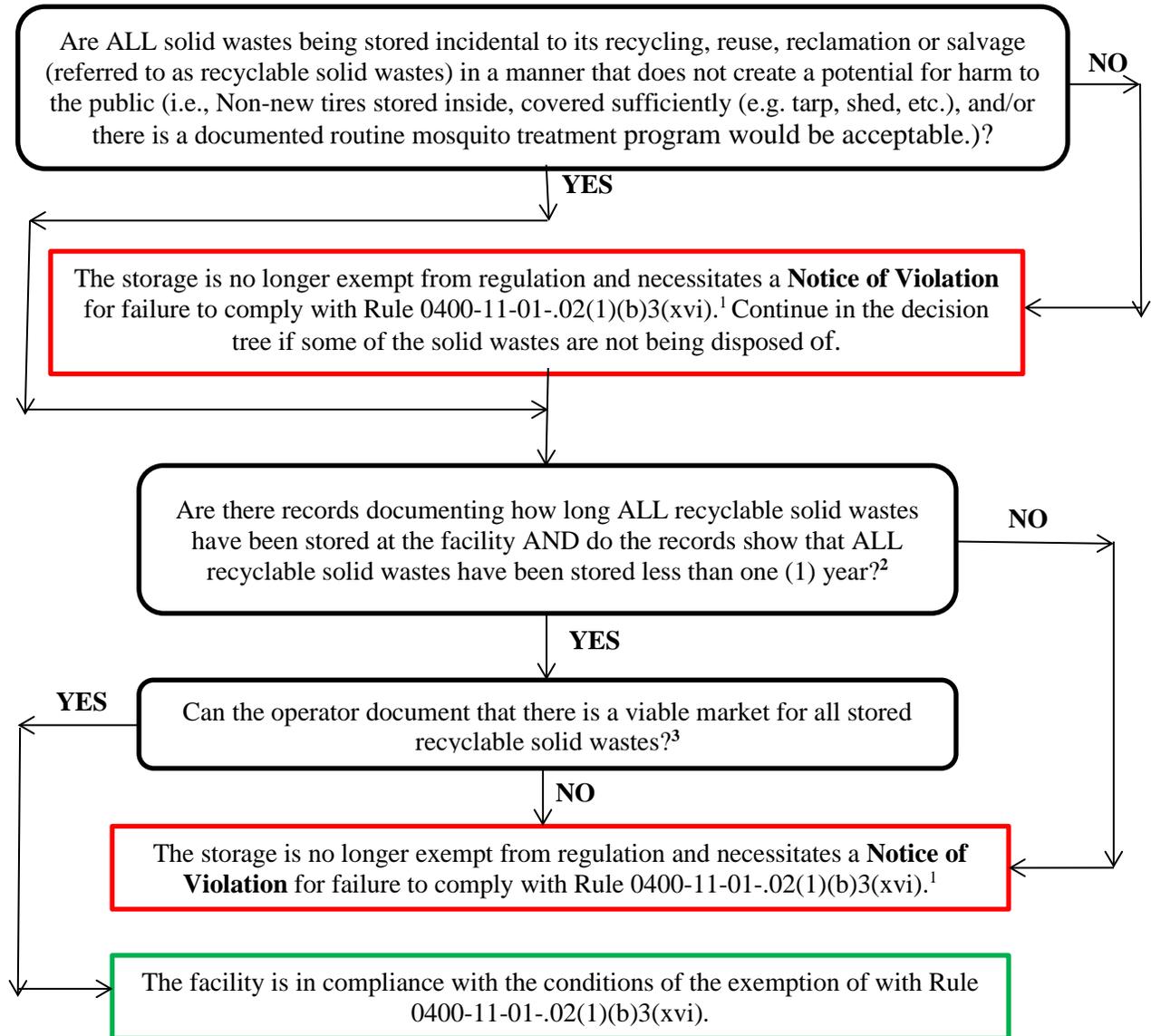
- (4) *Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

Rule 0400-11-01-.02(1)(b)3(xvi) provides the conditions for a permit exemption for the storage of solid waste incidental to its recycling, reuse, reclamation or salvage and states:

- (xvi) *The storage of solid waste that is incidental to its recycling, reuse, reclamation or salvage provided that upon request of the Commissioner, the operator demonstrates to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and the environment. Material may not be stored for more than one (1) year without written approval from the Division.*

Decision Flow Chart

An investigation into whether the storage of solid wastes is incidental to its recycling, reuse, reclamation or salvage is conducted if the DSWM Field Office receives a complaint. DSWM staff should use the following Decision Flow Chart when conducting the complaint investigation. (Note: If there is evidence that all, or some of, the solid waste is being disposed of and the landowner exclusion is not applicable, then the owner/operator should be cited for unlawful disposal. Evidence of disposal includes solid waste placed as fill, in a ravine, saplings/heavy vegetation growing through or surrounding the solid waste, etc.)



¹ The Notice of Violation will require the action necessary, including removal from the site to an authorized offsite facility if appropriate, to correct the reason(s) for the Notice of Violation.

² The records must include: 1) The amount of recyclable solid waste stored at the facility; 2) The amount of recyclable solid waste generated onsite and received from offsite in the previous 12 months; 3) The amount of recyclable solid waste that has been sold and moved offsite in the previous 12 months; and,

4) A description of the system in place to document how long recyclable solid waste has been stored at the facility (e.g. dating tires, grouping tires by the date they were generated, etc.). Recyclable solid waste may be stored for more than a year if authorized in writing by the DSWM.

³ In addition to the information in footnote 2 above, the operator must show documentation (such as bills of sale) for all the recyclable solid waste reported as sold and that there is a market to sell ALL recyclable solid waste stored at the facility.

Signature on File
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn136: Original

05-05-2016
Date



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

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

EFFECTIVE DATE: June 22, 2018

SIGNATURES:

Signatures on file
Division Director

Drafter / Preparer

Drafter / Preparer

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SECTION 1: INTRODUCTION

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

SECTION 2: STATUTORY AND REGULATORY AUTHORITY

Tennessee Statutory Authority

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

It is unlawful to:

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

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

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

Tennessee Regulatory Authority

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

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

SECTION 3: COMPLAINT INVESTIGATION PROCEDURES

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

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

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

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

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

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

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

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

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

DEFINITIONS BOX

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

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

Notes: Open burning is processing and only lawful under DSWM statute if authorized by the Division of Air Pollution Control (DAPC) and Tennessee law 0400-11-01-02(1)(b)2

SECTION 4: ENTERING A COMPLAINT INTO WASTEBIN

Open Wastebin and click on **Complaints**



Click on **Add Complaint**

The screenshot shows the top navigation bar of the SWM system. The user is logged in as BG35070. The navigation menu includes: Sites, Facilities, Permits & Documents; Complaints; Inspections; Enforcement; Certifications; Special Waste; and NRS. Below the navigation bar, there are links for 'Complaint Investigations not Completed' and 'SWM Resource Tracking'. A 'Report Type' section is visible with radio buttons for 'Classic' and 'Interactive', where 'Interactive' is selected. At the bottom of this section, there is an 'Add Complaint' button with a blue arrow pointing to it.

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

The screenshot shows the 'Add Complaint' form in the SWM system. The form is divided into several sections, each with a colored arrow pointing to it:

- COMPLAINT** (Blue Arrow): This section contains fields for 'Complaint Number', 'Division' (set to SWM), 'Date Received', 'Received by', 'How Received', 'Concerning', 'Assigned By', 'Assigned Date', 'Assigned To', and 'Site ID'. There are 'Cancel' and 'Create' buttons at the top right of this section.
- Location** (Green Arrow): This section contains fields for 'County', 'Other Counties', 'Site', 'Location', 'Site City', 'Zip', 'Site Description', 'Latitude', 'Longitude', and 'Site Owner'.
- Complainant** (Yellow Arrow): This section contains fields for 'Contact ID', 'Anonymous' (Yes/No), 'First Name', 'Middle Name', 'Last Name', 'Company', 'Address', 'City', 'State' (set to TN), 'Zip Code', 'Phone', 'Email', 'Advised on', and 'Advised by'.
- Complaint Description and Writeup** (Purple Arrow): This section contains a large text area for entering the 'Complaint Description and Writeup'.

SECTION 5: CLOSING A COMPLAINT

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

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

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

Complaint Investigations not Completed SWM Resource Tracking

Report Type
 Classic
 Interactive

Add Complaint

Q Go 1. Primary Report Rows 15 Actions

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

1 - 15 of 10000

ID	Div	Site_ID	Site	Facility ID	EFO	County	Complainant	Anon	Received	Concerning	Staff	Investigator
40697			DUPLICATE ENTRY									

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

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

All SWM Complaints Complaint Investigations not Completed SWM Resource Tracking

No site associated with this complaint.

Create Site Printable Version Copy Complaint

COMPLAINT

Complaint Number 40929 Cancel Delete Apply Changes

Division SWM

Date Received 06-SEP-16

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

How Received Phone

Concerning Illegal Dumping

Assigned By

Assigned Date 06-SEP-16

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

Site ID

Location

County Carter EFO Johnson City

Other Counties Fair Haven Ministries

Site Fair Haven Ministries

Location 2198 Roaring Creek Rd, Roan Mountain, TN 37687

Site City

Site Description Non-profit

Latitude

Longitude

Site Owner Fair haven Ministries

Investigation

Date Investigated 07-SEP-16

Status No Problem Found

Status Detail Co-investigated with APC (Amanda Davis) on separate trips. Amanda talked to property owner who had a dumpster on site at the time of both of our inspections. The box had been ordered last week and they were just using the piles as a staging area to prepare for loading. It will be taken to Carter County DML.
No problem found.

Responsible Party 331 or 800

Resp Party Phone

Date Closed 07-SEP-16

Referred To

Date Referred

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

SECTION 6: CREATE A SITE AND NRS NUMBER

Items to know!

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

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

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

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



Search

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

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

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



Search conditions

EFO % County Description

Site Location

City

Latitude Longitude

Comments

Display Rows SITE_ID

Below is the list of returns.

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

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

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

Data entry for sites

County

Site name

Site Location

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

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



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

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

Before:

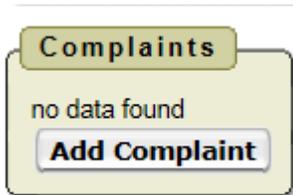
The Locator Map interface shows three input sections. The first section, 'Click map to select lat/lon values.', has empty fields for Lat and Lon, and 'Zoom' and 'Copy Data' buttons. The second section, 'Add', has fields for Address (312 Rosa L Parks), City (Nashville), and Zip (Enter Zip...), with 'Zoom' and 'Copy Data' buttons. The third section, 'County, Watershed & Parcel', has empty fields and a 'Copy Data' button.

After:

The Locator Map interface now shows populated data. The first section has Lat: 36.163892 and Lon: -86.784846. The second section has Address: 312 ROSA L PARKS AV, City: NASHVILLE, and Zip: 37203. The third section remains empty.

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

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



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

SECTION 6B: CREATING A NRS

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

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



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



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

A search conditions form with a light green header labeled 'Search conditions'. It contains several input fields: 'EFO' with a dropdown menu showing '%', 'County' with a dropdown menu showing 'Davidson', 'Description' with a text input field, 'Site' with a text input field containing 'olivia', 'Location' with a text input field, 'City' with a text input field, 'Latitude' with a text input field, 'Longitude' with a text input field, 'Comments' with a text input field, 'Display Rows' with a dropdown menu showing '15', and 'SITE_ID' with a text input field containing '38613'. There are also buttons for 'Clear Filter', 'Apply Filter', and 'Create New Site'. Blue arrows point to the 'Site' field and the 'SITE_ID' field.

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

1 - 1

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

[Export to Excel](#)

1 - 1



5. Once on the Site Page, Find and Click the “Add NRS” in the NRS box.

SWM Facilities on this Site

	Division	Facility Id	Primary Name
	SWM	test1	Test1

1 - 1

Add Facility

NRS (Non Registered Sites)

no data found

Add NRS 

6. Populate everything² on the screen and click Create.

NRS Information

Cancel (back to Page 1) Create

Xref Sites Id
Division SWM

Epa Division Local

Primary Name Demo/Training site.AKA Olivias site

Registry Id
 NRS ID Number NRS010000001

Site Id 38613

Status NRS

County Davidson

City Nashville

Address Somewhere in Tennessee that regulation

Category NRS

SECTION 7: UPLOADING DOCUMENTS INTO WASTEBIN

² ASSIGNING NRS NUMBER -

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

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

NRS790000001

NRS - Control Prefix that represents Non-Registered Sites

79 - County Code

000 - Three Numerals (formerly the Field Office Number)

0001 - Four Number Sequencing Code

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

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

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

The screenshot shows a web application interface with a navigation bar at the top containing 'Sites, Facilities, Permits & Documents', 'Complaints', 'Inspections', 'Enforcement', 'Certifications', 'Special Waste', and 'NRS'. The 'Complaints' tab is active.

On the left is the 'SITE INFORMATION' form, which includes fields for Site ID (111188), Site (19 street), County (Campbell), Site Location (515 19 th street), Site City (Lafollette), Zip, Site Description (Illegal dump site of a meth house), Latitude (38.37885), Longitude (-84.13755), and Owner (Lynn Lethner/John Lethner). It also shows the date entered (04-OCT-16) and the user (RRM).

On the right is the 'Locator Map' section, which includes a map of the site location and a table of 'NRS (Non Registered Sites)'. The table has the following data:

Division	Facility Id	Primary Name
SWM	NRS070001228	19 street

Below the table is an 'Add NRS' button. At the bottom of the interface, there is a section titled 'Permits and other Non-Inspection Documents' with an 'Add Document' button. A blue arrow points to this button.

The 'Add Document' section contains a table with the following data:

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

Continue to next page

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

SUBMIT FILE to TBL_DOCUMENTS

Cancel

Site ID **111188**

Permit No (if available) % ▾

Facility Id NRS070001228 19 street ▾

File Name C:\Users\Public\Pictures\Sample Pictures\Koala.jpg Browse...



Description / Keywords FIRST NOV

Outgoing or Incoming Outgoing ▾

Type of File Notice of Violation ▾

Author NBL

Effective Date 04-Apr-2017

Mailed Date 04-Apr-2017

Response Due Date 11-May-2017

Inspection Number

Submit

SECTION 8: UPDATE “RESPONSE RECIEVED” IN WASTEBIN

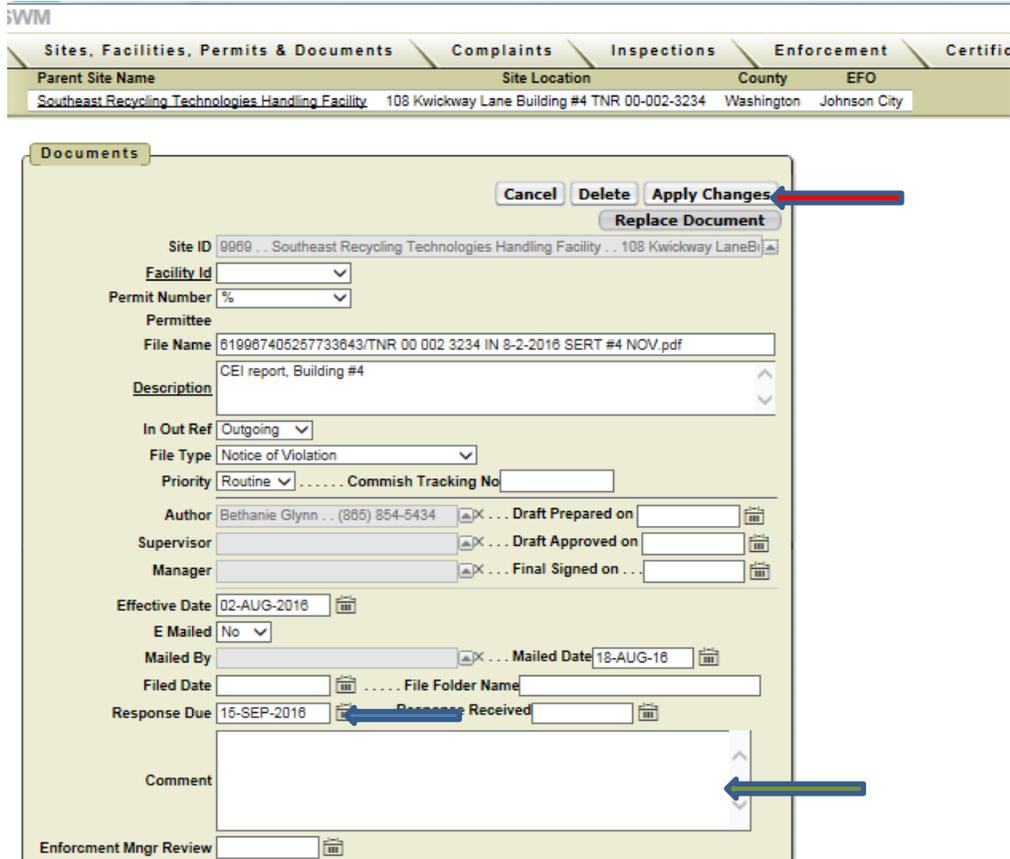
On the opening page of WasteBin click on **Response Due**



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



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



APPENDIX A

ACCESS TO PROPERTY EXAMPLES

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

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

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

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

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

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

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

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

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

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

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

APPENDIX B

OTHER WASTEBIN INSTRUCTIONS

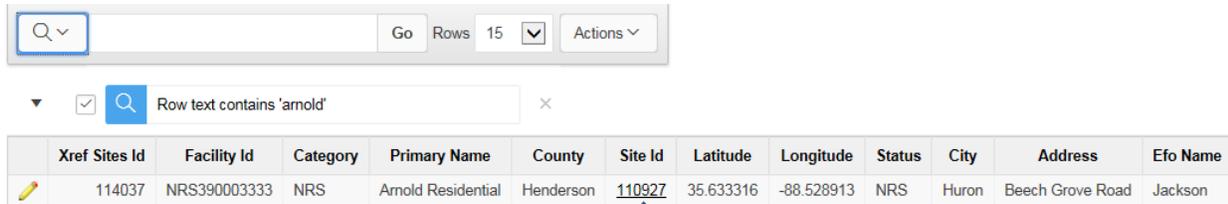
ADDING COMPLAINTS TO AN EXISTING NRS.....	24
ADDING COMPLAINTS TO A PERMITTED FACILITY	26

Adding Complaints to an Existing NRS

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



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



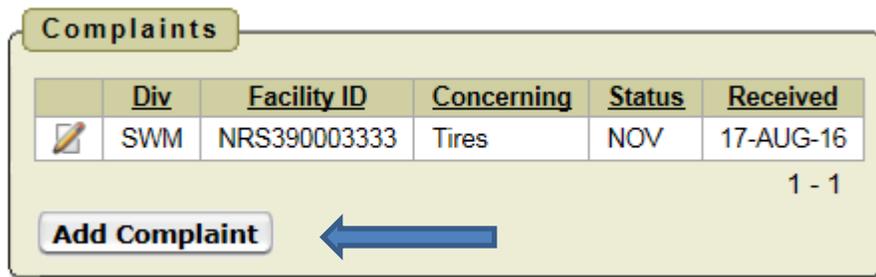
The screenshot shows a search interface with a search box containing 'arnold'. Below the search box is a table with the following data:

Xref Sites Id	Facility Id	Category	Primary Name	County	Site Id	Latitude	Longitude	Status	City	Address	Efo Name
114037	NRS390003333	NRS	Arnold Residential	Henderson	110927	35.633316	-88.528913	NRS	Huron	Beech Grove Road	Jackson

A blue arrow points to the 'Site Id' column in the table.

Click on the Site ID

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



The image shows a 'Complaints' form with the following data:

Div	Facility ID	Concerning	Status	Received
SWM	NRS390003333	Tires	NOV	17-AUG-16

Below the table is an 'Add Complaint' button with a blue arrow pointing to it from the right.

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

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

COMPLAINT

Cancel **Create**

Complaint Number

Division **SWM**

Date Received 

Received by  

How Received 

Concerning 

Concerning (Haz Waste & Other)

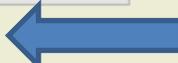
Assigned By  

Assigned Date 

Assigned To  

Site ID  

Facility ID or NRS 



Location based on SITE_ID

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

Enter all other info and click Create.

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

Adding Complaints to a Permitted Facility

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

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

Search

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

Solid Waste Facilities(IR)

Go 1. Primary Report Rows 15 Actions

Row text contains 'ews'

1 - 3 of 3

Facility Id	Status	Category	Primary Name	County	EFO	Address	City	Site Id
IDL54000079	Operating	Class II	Bowater Newsprint Landfill	McMinn	Chattanooga	5020 Highway 11 South	Calhoun	4858
IDL030000212	Operating	Class II	EWS Camden Class II Landfill	Benton	Jackson	200 Omar Circle	Jackson	9483
CCC350000413	Operating	Convenience	Whiteville Convenience Center	Hardeman	Jackson	897 Newsom Road	Whiteville	51850

1 - 3 of 3

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

Complaints

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

row(s) 1 - 15 of 29 Next

Add Complaint ←

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

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

COMPLAINT

Cancel Create

Complaint Number
 Division **SWM**

Date Received

Received by

How Received %

Concerning %

Concerning (Haz Waste & Other)

Assigned By

Assigned Date

Assigned To

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

Facility ID or NRS %



Location based on SITE_ID

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

Enter all other info and click Create.

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

REVISION HISTORY TABLE

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

Tennessee Department of Environment and Conservation

Asbestos Memorandum of Agreement

Purpose

The purpose of this Memorandum of Agreement is to establish Division authority in the oversight of dealing with the disposal of asbestos containing waste material (ACWM) (defined in Division of Air Pollution Control (DAPC) Rule 1200-03-11-.02(1)(e)). In addition to this Memorandum of Agreement, the Division of Solid Waste Management (DSWM) has two divisional policies that address the implementation of ACWM disposal (pn043) and disposal of asbestos not subject to National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification requirements (pn118).

Whereas the Tennessee Department of Environment and Conservation (TDEC), through DSWM is required by Tennessee Code Annotated (T.C.A.) § Section 68-211-101 et. seq., to regulate the construction, operation, and maintenance of solid waste processing and disposal facilities in order to protect the public health, safety and welfare and specifically in respect to the agreement, the air quality of the State of Tennessee through a comprehensive siting and inspection program of approved disposal facilities; and

Whereas the TDEC, DAPC has in the administration of T.C.A. § 68-201-101 et. seq., developed procedures and standards for the protection of the air quality of the State; and

Whereas the TDEC has a public obligation to maintain a coordinated regulatory program of all regulated environmental functions in the State of Tennessee, the standards by which these programs are administered shall be consistent. This agreement shall be the mechanism by which this objective is attained.

Therefore, be it resolved that both divisions mutually understand, agree and approve that the DSWM is recognized as the agency having authority for the regulation of landfills in such a manner as to preclude the pollution of the air in the State of Tennessee through the administration of the activities enumerated herein.

Asbestos Containing Waste Material

ACWM includes all asbestos containing and/or contaminated material that requires the submittal of an “Asbestos Waste Shipment Record” form (state form CN-1054)¹ and/or the submittal of the “Notification of Demolition and/or Asbestos Renovation” form (state form CN-1055)¹. As defined in DAPC Rule 1200-03-11-.02(1)(e), ACWM:

“means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this rule. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.”

Site Selection

Class I and II landfills may dispose of ACWM provided the landfill has received approval from DSWM and complies with all conditions of the approval.

Technical Review

1. When requested or otherwise necessary, the DAPC will determine if an asbestos material is subject to Asbestos NESHAP notification requirements, satisfied by the submittal of the “Notification of

Demolition and/or Asbestos Renovation” form (state form CN-1055)¹, and whether such material must be disposed of following the “Procedures for Disposal of ACWM”. Such determination will be provided to the DSWM by email or memo.

2. DSWM will utilize DAPC established management practices and adhere to DAPC Rule 1200-03-11-.02(5), “Standard for active waste disposal sites” for the disposal of ACWM at landfills approved by DSWM.
3. DSWM will require that the landfill design utilizes all applicable best management practices (BMP’s) for emission control of special air contaminant wastes to minimize the potential for degradation of air quality.

Best Management Practices

The operator of any landfill that accepts ACWM shall:

- Use phased site development (minimum specific area);
- operate in a timely manner that employs correct handling procedures, including cover;
- perform soil characterization, geologic structure for minimum potential of movement and surface water control;
- create no visible emissions; and
- complete all required logs.

Inspections and Enforcement

1. DSWM will establish site specific requirements for compliance at landfills. The compliance shall reflect BMP’s and site specific handling procedures as necessitated by landfill specific special waste approvals.
2. A representative of the DAPC will be able to observe the disposal of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit. It is the responsibility of the DAPC to make visible emission evaluations and since the DAPC representative is trained in the procedures to make such evaluations, the DAPC in cooperation with DSWM will provide this technical support as a means to achieve mutual compliance with the regulations of both divisions. Any enforcement activity that occurs as a result of a violation of the visible emissions regulation will be jointly undertaken with the DAPC representative who conducted the visible emission evaluation.
3. DSWM will note procedures employed during unloading to ensure that signs bearing the correct warning language as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4 are affixed to the vehicle while at the disposal site.

Preliminary Steps for Landfills

1. The landfill seeking approval for ACWM disposal must establish contact with the appropriate DSWM Field Office representatives.
2. The site selection for ACWM disposal at a landfill seeking approval must be registered and approved in writing by the DSWM, prior to disposal of the material. All appropriate agencies and individuals will be presented with this information.

3. Permission from the official responsible for the approved facility must be obtained in writing prior to the disposal of the material. All appropriate agencies and individuals will be presented with this information.

Procedures for Disposal of ACWM

1. The waste generator must provide ten (10) working days' advance notice to the DAPC to allow field personnel to observe the removal procedures at the originating site. This must be accomplished by submitting a "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)¹.
2. The containers for the ACWM must be leak-tight containers and approved by the DAPC.
3. The ACWM should be transported in an enclosed vehicle or on a covered carrier as described in T.C.A. § 39-14-503. The "Asbestos Waste Shipment Record" (form CN-1054)¹ will be completed and be available for inspection upon request, retained for a period of two (2) years.
4. Advance notice must be given by the waste transporter to the landfill operator prior to receiving the ACWM, or a routine schedule established such that the operator will have time to prepare an area to receive the ACWM. The only required document the DAPC will need to meet its regulatory requirements is the "Asbestos Waste Shipment Record" (form CN-1054)¹ and proof that the records are returned to the waste generator for disposal tracking purposes. Copies of the ten (10) day notice to DAPC are not necessary but can be referenced in a letter to the disposal site. The DAPC will track all "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)¹ forms received and update, copy or advise DSWM of status on request. When the "Asbestos Waste Shipment Record" (state form CN-1054)¹ is not received by the waste generator confirming disposal, the DAPC will, upon receipt of such notice, contact the DSWM to request their cooperation in tracking the shipment and provide investigatory support off site if needed.
5. Vehicles transporting ACWM shall bear signs during loading and unloading as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4, stating:

DANGER
ASBESTOS DUST HAZARD
CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only

6. For a landfill seeking initial approval, the appropriate DSWM and DAPC representatives will observe the initial disposal to ensure proper handling and disposal procedures are followed. A representative of the DAPC will be able to observe subsequent disposals of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting the ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit.
7. The ACWM must be confined to a specific area, prepared by the landfill operator, at the disposal site to assure proper disposal with minimum complications.
8. The ACWM must be handled carefully and deliberately such that there will be no rupturing of containers nor visible emissions in the disposal process. When improperly packaged ACWM is observed by the landfill operator, both the DAPC and the DSWM must be notified so that independent investigations of the cause for improper packaging can be conducted at both the disposal site by the DSWM and at the point of removal by the DAPC.
9. The landfill operator will immediately apply one foot of non-ACWM over the ACWM and then compact the non-ACWM.

10. Upon closure, the site shall be recorded with the Register of Deeds as a former disposal site containing asbestos.

The DSWM will notify the DAPC upon receipt of closure so that the DAPC can update its internal document management system to flag this location as no longer being approved to accept ACWM for disposal purposes.

11. Specific area used for disposal of ACWM shall be noted on site plan.

Footnote

¹ The State of Tennessee has four (4) local regulatory areas that oversee Air Pollution Control requirements; their respective programs are granted authorization (or are authorized) by the State of Tennessee Division of Air Pollution Control (DAPC). Each local air pollution regulatory program is required to follow all applicable DAPC Rules. Rule numbers and form numbers may vary between local air pollution regulatory programs; therefore, if applicable, please use the appropriate local air pollution regulatory authority's form.

Signature on File
Michelle Walker Owenby, Director
Division of Air Pollution Control

05-06-2016
Date

Signature on File
Patrick J. Flood, P.E., Director
Division of Solid Waste Management
pn087: Revision 2
Previous: February 1993

05-05-2016
Date

Tennessee Department of Environment and Conservation

Administration of financial assurance

Memorandum of Agreement

BECAUSE both the Division of Radiological Health (DRH) and the Division of Solid Waste Management (SWM) have jurisdiction over facilities managing both radioactive materials and hazardous waste or mixed waste; and

BECAUSE both Divisions have rules that require financial assurance to protect the public and the environment from such facilities becoming unable to properly close or reclaim the facility; and

BECAUSE in the case of facilities that handle mixed waste there is a potential for duplication between the DRH financial assurance and the SWM financial assurance; and

BECAUSE both Divisions wish to reduce unnecessary duplication and cost to the regulated community; and

BECAUSE cooperation and coordination are necessary to the proper administration of the financial assurance mechanisms for these sites.

The Division of Radiological Health and the Division of Solid Waste Management wish to enter into this Memorandum of Agreement.

1. This Agreement and the process it outlines are only applicable to facilities or portions of facilities that handle mixed waste.
2. Both Divisions agree that if either Division proposes any changes in financial assurance rules, it will notify the other Division of the proposed change.
3. Both Divisions recognize that certain changes to their financial assurance rules could impair the ability of the Divisions to coordinate clean-ups.
4. Both Divisions agree to notify the other if there is a failure of the facility to maintain their financial assurance or a decision by a bank not to renew a letter of credit or of a surety not to continue a bond, or other similar events relating to actual or potential failures to maintain financial assurance.
5. Both Divisions agree to notify the other if they become aware of circumstances that might warrant forfeiture of financial assurance.
6. If a forfeiture becomes necessary, the Divisions will coordinate actions during the process of forfeiture as well as during the planning process for remediation and during remediation itself. This will include but is not limited to: specifying a person in each Division who is the contact person, if different from the Director, having a single contractor to do work, setting up a procedure for one Division to be “the lead” while obtaining necessary expertise and comment from the other Division.

Signed this 21st day of July, 1993

Signature on File

Tom Tiesler, Director
Division of Solid Waste Management

Signature on File

Michael H. Mobley, Director
Division of Radiological Health

Signature on File

Wayne K. Scharber
Assistant Commissioner
Bureau of Environment
pn082: Original

Department of Environment and Conservation

SOLID WASTE PERMIT STATUS AT RADIOLOGICAL FACILITIES Memorandum of Agreement

This memorandum of agreement (MOA) is entered into by the Division of Radiological Health (DRH) and the Division of Solid Waste Management (DSWM). Certain radiological waste processing facilities that are licensed by the DRH, including those that handle bulk survey for release (BSFR) material, also have solid waste management activities as part of their operations. The DSWM has made a determination that these facilities are not processing solid waste subject to a permit-by-rule, but are generating solid waste during the process of handling BSFR waste material. This MOA is an agreement between DSWM and DRH acknowledging that the DRH licensing program provides appropriate oversight for the Department of Environment and Conservation. It is understood that any questions arising to DRH regarding solid waste management at these facilities will be referred to DSWM.

Per this agreement, the DSWM shall not require a permit-by-rule for these facilities. DSWM shall instead regulate the solid waste generated from these facilities by use of the special waste approval process. All special wastes approved from facilities with a DRH waste processing license shall meet the following conditions for disposal:

1. The waste shall be immediately disposed of at the landfill working face and then immediately covered. The waste shall not be salvaged or recycled.
2. Disposal facilities that receive special wastes from facilities with DRH waste processing licenses shall install, calibrate, maintain, inspect and test periodically radiological sensing equipment at the facility scales. Records that verify these calibration requirements have been met annually shall be kept at the scale house and made available to DSWM personnel upon request and during inspections. A written protocol for responding to alarms triggered by this special waste shall be maintained at the landfill facility.
3. The generator shall provide an annual report to the Division of Solid Waste Management. This report must include the total quantity of special waste under this approval that was delivered to and disposed at Class I landfills in Tennessee.

This agreement is entered into by DRH and DSWM in a cooperative effort to increase the timeliness of service delivery, enhance overall customer service, and realize greater departmental efficiency.

[Signature on File]
Mike Apple
Director, DSWM
pn126: Original

[Signature on File]
Eddie Nanney
Director, DRH

09/12/06
Date

Tennessee Department of Environment and Conservation

USE OF DIVISION OF SUPERFUND CONTRACTORS

Memorandum of Agreement

Whereas, there is a need by the Division of Solid Waste Management (hereafter "SWM" to have services of a contractor to conduct investigations of certain suspected inactive hazardous waste disposal sites; and

Whereas, the Division of Superfund thereafter, "DSF" is authorized to and does maintain the services of a contractor capable of conducting investigations of hazardous substance disposal sites; and

Whereas, a hazardous waste is a hazardous substance as defined at TCA 68-46-202(2); and

Whereas, the use of the DSF contractor must be consistent with uses of the Remedial Action Fund as described at TCA 68-46-205; and

Whereas, the collection of civil penalties and damages under TCA 68-46-101 et. Seq. must be deposited in the Remedial Action Fund as required at TCA 68-46-204(a).

Therefore, be it required that the Divisions mutually understand, agree, and approve that:

1. SWM is authorized to request the DSF to engage and initiate investigation of inactive hazardous waste disposal sites by the DSF contractor; and
2. Such response actions may be limited by the availability of funds and priorities of the Superfund Program. The contractor will be paid from the Remedial Action fund for services allowed at TCA 68-46-205; and
3. If otherwise appropriate under TCA 68-46-114(b)(4), SWM will assess as damages any amounts expended from the Remedial Action fund pursuant to said investigation; and
4. This agreement shall not be construed as allowing expenditures for hiring personnel for continuing programs of the department of Health and Environment pursuant to Part I of Chapter 46 or for any ongoing or long term research activities.

Signature on File _____
Tom Tiesler, Director
Division of Solid Waste Management
pn086: Original

April 6, 1987 _____
Date

Signature on File _____
James C. Ault, Director
Division of Superfund

April 6, 1987 _____
Date

Tennessee Department of Environment and Conservation
REMEDATION INITIATIVES AND SITE MANAGEMENT

Memorandum of Agreement

The Tennessee Department of Environment and Conservation has a public obligation to maintain a coordinated regulatory program for all regulated functions in the State and the standards by which programs are administered should be consistent. The Division of Solid Waste Management (DSWM) and the Division of Superfund (DSF) strive to achieve comparable levels of protection of human health, safety and the environment at sites.

This agreement is not intended to define the authority of either Division. Instead, it is to be utilized by the Divisions whenever oversight is needed at sites that could fall under the jurisdiction of either Division.

PURPOSE

The purpose of this agreement is to:

- (1) designate the appropriate Division to handle sites that are subject to the statutes of both Divisions, and to
- (2) promote consistency in site assessment and cleanup.

PRINCIPLES OF OPERATION

To the extent allowed by federal and state statutes, DSF and DSWM will strive to:

- (1) Achieve comparable levels of protection of human health and the environment when remedial and corrective actions are performed or overseen by the two Divisions.
- (2) Promote remedial and corrective actions at sites and facilities to levels which comply with CERCLA, RCRA, Part 1 and Part 2 of the Hazardous Waste Management Act (HWMA), the Solid Waste Management Act, the Clean Water Act, and the Clean Air Act.

The Divisions will pursue the following objectives:

- (1) Development of common soil standards or methodology for developing soil standards.
- (2) Development of consistent procedures for identification, investigation and remedial/corrective actions.
- (3) Apply consistent procedures to implement ground water classification rules and standards.

The Divisions will operate as follows:

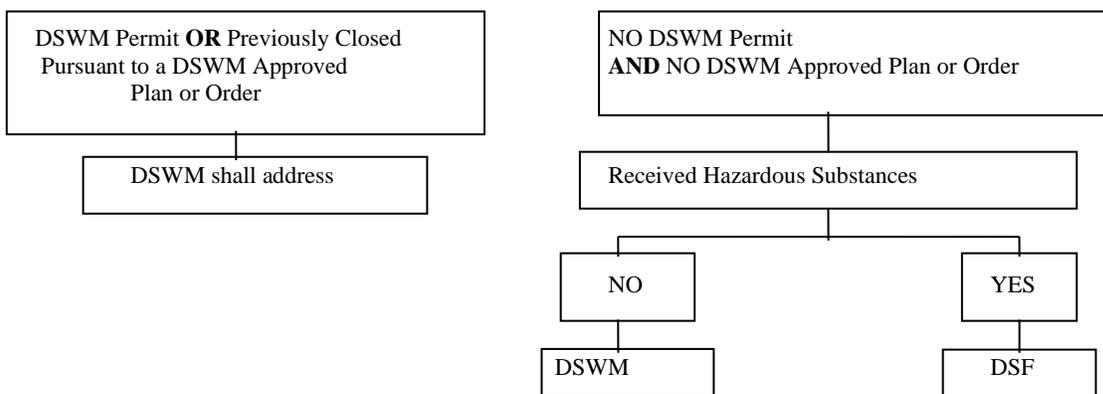
- (1) The DSWM shall perform appropriate actions under the Solid Waste Management Act, Part 1 of the HWMA, and RCRA. The DSF shall perform appropriate actions under Part 2 of the HWMA and CERCLA.
- (2) Both Divisions shall strive to uniformly apply air, water, and soil standards.

- (3) Both Divisions shall maintain a current public record of sites or facilities being addressed. Files on said sites are public information and are accessible to other Division personnel, EPA, and the public by appointment during normal business hours.

DEFINITIONS

1. Facility means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units.
2. For the purposes of this agreement, inactive means there is not any active disposal taking place at the site, area or unit regardless of whether there is an ongoing business at the facility or site.
3. Site means the areal extent of contamination and all areas in very close proximity to the contamination necessary for implementation of the remedial response.

INACTIVE MUNICIPAL LANDFILL/DUMP PROCEDURE



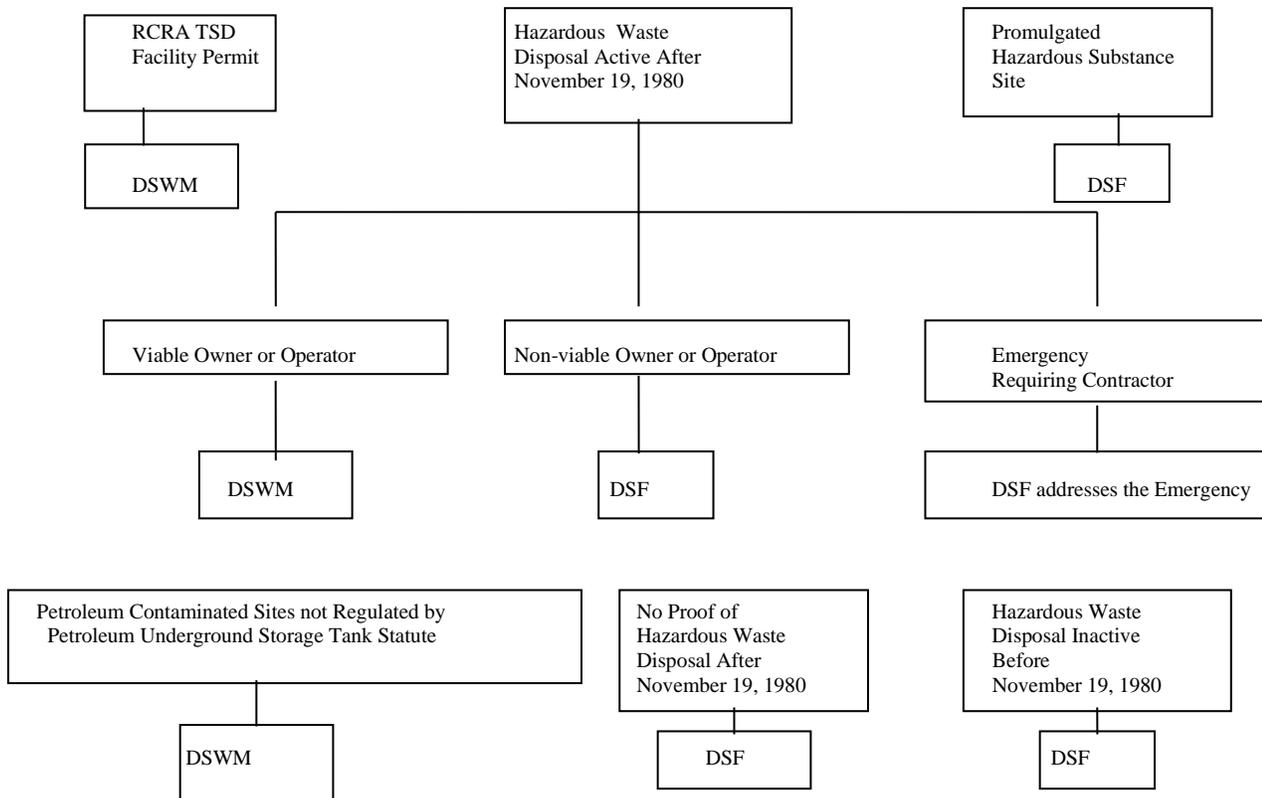
The DSWM shall address an inactive municipal landfill or dump if either:

- (1) the municipal landfill or dump had a DSWM permit or was closed pursuant to a DSWM approved plan or order, **or**
- (2) the municipal landfill or dump had no DSWM permit and the landfill or dump received no hazardous substances except those from households, farms, or demolition activities.

The DSF shall address the inactive municipal landfill or dump if:

- (1) the inactive municipal landfill or dump was not permitted by DSWM
- (2) the inactive municipal landfill or dump was not closed pursuant to a DSWM approved plan or order **and**
- (3) the landfill or dump received hazardous substances from sources other than households, farms, or demolition activities.

DISPOSAL SITE PROCEDURE



The Division of Solid Waste Management shall address the following sites:

1. Where the hazardous waste disposal occurred at a RCRA permitted Treatment, Storage, and Disposal (TSD) Facility,
2. Where the hazardous waste disposal occurred after November 19, 1980, and
3. Petroleum contaminated sites not regulated under the Petroleum Underground Storage Tank statute.

The Division of Superfund shall address the following sites:

1. Inactive hazardous substance sites where the hazardous waste disposal occurred and ceased before November 19, 1980.
2. Inactive hazardous substance sites where there is no proof that hazardous waste disposal was taking place after November 19, 1980.
3. Sites which are promulgated as inactive hazardous substance sites under T.C.A. Section 68-212-201 et seq.

SPECIAL CASES: (Where allowed by the statutes, if there is a conflict between the above generalizations and the special cases, the special cases shall take precedence)

1. If either Division has issued an order or has initiated a regulatory action for investigation or remediation, said Division shall regulate the area through completion of the remediation process.
2. If either Division is participating in a Memorandum of Agreement or Memorandum of Understanding with the Federal Government concerning a site or facility, this agreement

between the Division of Solid Waste Management and the Division of Superfund shall not affect said participation responsibility.

3. If USEPA has performed removal activities at a site under CERCLA, then the site shall be addressed by the Division of Superfund unless the removal activities were requested by the Division of Solid Waste Management.
4. Any site promulgated to the USEPA National Priorities List (NPL) or proposed for promulgation shall be addressed by the Division of Superfund.
5. Drycleaner sites in the Drycleaner Environmental Response Program shall be addressed by the Division of Superfund.
6. RCRA Treatment Storage Disposal (TSD) Permitted Facilities or facilities where the hazardous waste disposal occurred after November 19, 1980 where:
 - a) the liable parties are bankrupt without financial assurance, or
 - b) no viable liable party under RCRA for corrective action can be foundthe facility may be transferred from DSWM to DSF to effectuate cleanup upon agreement between the Division Directors.
7. In the event of a multimedia investigation, the investigation team shall follow this agreement to assign the site.
8. At a site where neither Division has begun a regulatory action for investigation or remediation and both Divisions have statutory authority to address the site, parties who are willing and able to perform an investigation and cleanup may petition their Division of choice to oversee the site investigation and cleanup.
9. The Commissioner or his designee may assign sites as deemed appropriate.

RCRA ENFORCEMENT AT DSF SITES

The DSWM may conduct a review process to identify RCRA violations which caused the contamination and may take enforcement action consistent with similar violations and circumstances. The DSF shall screen any sites that are proposed for the program which operated after November 19, 1980 to determine if potential RCRA violations have occurred. If so, this information will be turned over to the DSWM for possible enforcement action consistent with similar violations and circumstances. Further, if the willingness to cooperate of a liable party is considered in RCRA enforcement when oversights by the DSWM, then parties oversights by the DSF will be given the same consideration.

SITE SPECIFIC DETERMINATION

Nothing in this agreement prevents the Divisions from discussing specific sites and making site specific determination about which Division addresses the site. These agreements shall be made at the Division Director level. In the event a determination is not made at the Division Director level, then the Bureau of Environment Administrator will make the determination.

AGREEMENT REVIEW AND MODIFICATION

Technical and legal changes may require modification of these procedures. Therefore, the Division Directors will review this agreement as necessary. Changes to this agreement will be signed by both Division Directors and the Bureau of Environment Administrator.

AGREED to this date 5/21/98 and subject to change in writing upon assessment of the need.

Signature on File
Tom Tiesler, Director
Division of Solid Waste Management

Signature on File
Jim Haynes, Director
Division of Superfund

Signature on File
John Leonard
Bureau of Environment Administrator
pn104: Original

Tennessee Department of Environment and Conservation

REVIEW OF PROPOSED LANDFILL SITES

Memorandum of Agreement

This memorandum of agreement (MOA) is entered into by the Division of Water Pollution Control (DWPC) and the Division of Solid Waste Management (DSWM). Both Divisions mutually understand, agree and approve that the Division of Solid Waste Management is recognized as the program having authority over the regulation of solid waste facilities, and that a primary objective of such regulation is that the construction, operation and maintenance of such facilities be done in a manner as to avoid the pollution of waters of the State. In order to achieve this objective, certain activities of DSWM shall be coordinated with DWPC, in a manner which fosters teamwork and communication between the two Divisions.

LANDFILL SITING

1. DSWM will review preliminary hydrogeologic evaluations conducted by the applicant in the selection of potential sites for solid waste facilities.
2. Upon receipt of a Part I application and the required hydrogeologic report, DSWM will provide DWPC with a 7^{1/2} minute USGS quadrangle sheet noting the location of the proposed footprint for a potential site. A memo from DSWM summarizing the proposed time table for project completion, including any regulatory deadlines, will be attached and, if deemed necessary, the DSWM geologist will attach a brief narrative of information pertinent to the site. DWPC shall communicate with DSWM regarding the necessity for and timing of a field assessment, which should be coordinated so that both DWPC personnel and the DSWM geologist may view the site together. After any needed field assessment is completed, DWPC shall forward to DSWM a report which includes input on all water issues (e.g., defining streams, wetlands, wellhead protection zones, etc. and evaluating any effects of the proposed facility on water quality). The report should also include any DWPC recommendations for consideration by DSWM in the final evaluation of the proposed site. All technical concerns of DWPC shall be discussed jointly prior to any final determination by DSWM.
3. DSWM rules provide that disposal facilities must be located “such that the fill areas are, at a minimum, 200 feet from the normal boundaries of springs, streams, lakes, and other bodies of water” [0400-11-01-.04(3)], and that “Facilities must not be located in a wetland” [0400-11-01-.03(2)(p)]. However, applicants for permits for solid waste disposal facilities are not precluded from making application to the appropriate agencies for 404/401 permits or aquatic resource alteration permits (ARAPs) to authorize changes in such area so as to allow them to be considered as potential sites for such facilities. Similarly, DSWM may grant variances from the siting restrictions found in its regulations if it is determined that alternative standards or requirement achieve protection of the public health and environment equal to the regulatory requirements. DWPC shall evaluate applications concerning aquatic resource alterations in accordance with applicable DWPC rules and standards. DWPC shall proceed to process such applications and issue a notice of determination, containing a decision to issue or deny the

ARAP or 401 permits. DSWM shall, thereafter, make a tentative permit decision, with the public notice thereof referencing the decision made by DWPC concerning any aquatic resource alteration. Public hearings conducted by DWPC are limited to the technical considerations set forth by the proposed aquatic resource alteration, whereas public hearings conducted by DSWM address all aspects of the proposed disposal facility's design, construction and operation.

4. The above provisions shall apply to the expansion of existing solid waste facilities as well as to siting of new facilities.

Whereas, there are anticipated technical and legal changes which may require further modification of these procedures periodically, the undersigned Division Directors will scrutinize this Agreement on a continuing basis.

(Signature on File)
Mike Apple,
Director, DSWM
pn083: Revision 1
Previous: June 1993

(Signature on File)
Paul E. Davis,
Director, DWPC

4/18/08
Date

Tennessee Department of Environment and Conservation

WATER QUALITY PERMITS AT LANDFILLS

Memorandum of Agreement

This memorandum of agreement (MOA) is entered into by the Division of Water Pollution Control (DWPC) and the Division of Solid Waste Management (DSWM). Both Divisions mutually understand, agree and approve that the DSWM is recognized as the program having authority over the regulation of solid waste facilities, and that a primary objective of such regulation is that the construction, operation and maintenance of such facilities be done in a manner as to avoid the pollution of waters of the State. In order to achieve this objective, certain activities of DSWM shall be coordinated with DWPC, in a manner which fosters teamwork and communication between the two Divisions.

REQUIRED PERMITS

STORM WATER – CONSTRUCTION ACTIVITIES

The DSWM will review the design and operating plans of all solid waste landfills to ensure that best management practices (BMP) for silt control are utilized during construction and operation. The BMP to be reviewed include, but are not limited to the “Erosion and Sediment Control Handbook” distributed by the DWPC. Areas within the landfill facility boundary which drain into storm water ponds designed to handle the 25-year, 24-hour rainfall event, as required by the DSWM rules, are not required to obtain NPDES permit coverage for those storm water discharges.

Typically, NPDES coverage for storm water discharge(s) from any disturbed areas greater than one acre is obtained by filing a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and an appropriate fee with the DWPC. The DWPC issues coverage under the construction general permit (CGP). Landfill operators must obtain CGP coverage with the DWPC for any disturbed areas greater than one acre within the landfill facility boundary which do not drain into the above ponds. Examples of areas requiring a SWPPP include a borrow area greater than one acre, or construction of an equipment maintenance facility which disturbs an area greater than one acre. Compliance monitoring of such areas will be as described in this MOA.

STORM WATER – INDUSTRIAL ACTIVITIES

Landfills must also comply with the Tennessee Multi-Sector Permit for Industrial Activities (TNR050000), Sector L. Landfills which receive industrial wastes, including all Class I and Class II sites, must obtain coverage under this permit from the DWPC. This permit regulates the storm water discharge from waste footprint areas and typically applies at the outfall pipe from the storm water retention pond(s). For new landfills, a NOI must be submitted to the DWPC central office in Nashville five (5) days prior to the commencement of waste placement. Existing landfills should already have this permit in place. Compliance monitoring of landfills with Sector L permits will be as described in this MOA.

LEACHATE MANAGEMENT

Direct Discharge to Publicly Owned Treatment Works (POTW)

No permit from the DWPC is required for direct discharge of leachate to a POTW. The landfill will be required to meet certain pretreatment requirements which are enforced by the POTW.

Discharge to Surface Waters

A landfill that discharges or plans to discharge treated leachate to surface waters must apply for a NPDES permit from the DWPC.

Pump and Haul

A landfill that utilizes a pump and haul operation to dispose of leachate must incorporate the following into the Operations Manual for the facility. These provisions may be adopted as a minor permit modification for an existing landfill. This permit modification will be issued instead of obtaining a State Operating Permit from DWPC. For a new landfill, these provisions should be submitted in the Part II application.

- a. Records documenting each load of leachate must be maintained at the landfill or at an alternate location approved by the DSWM for at least three (3) years. At a minimum, the records shall include the date and the quantity of leachate hauled, the treatment plant receiving the leachate, and the hauling company.
- b. Transfer of leachate to the haul truck must be performed by a person trained to operate the transfer equipment at the landfill or in the presence of a landfill operator.
- c. Leachate spills not contained within the secondary containment area or caught in a sump designed for this purpose must be reported to the DSWM.
- d. The treatment plant receiving the leachate must be a facility authorized to receive industrial wastewater.

COMPLIANCE MONITORING AND ENFORCEMENT

1. The DSWM will perform compliance monitoring of permitted solid waste facilities as necessary. The DWPC, with assistance from the DSWM, shall investigate alleged water quality violations by such facilities. Environmental field office personnel of both Divisions shall coordinate in conducting such investigations so that site inspections may be made with both DSWM and DWPC personnel present to observe and discuss findings.
2. The DWPC may require permittees to perform compliance monitoring of facilities issued permits under the Water Quality Control Act and/or may conduct its own monitoring. The DWPC shall pursue enforcement activity when a solid waste facility is in violation of any such permit or in any instance where a violation of any such permit or in any instance where a violation of the Water Quality Control Act does not also constitute a violation of the Solid Waste Disposal Act. The DWPC may submit enforcement requests to DSWM for water quality violations by solid waste facilities. If such a request is submitted, DWPC personnel shall be available as needed during follow-up inspections and hearings.

3. Each Division shall respond to citizen complaints arising under their respective Acts in a manner consistent with paragraphs 1 and 2 above.

4. Each Division shall keep the other advised as to the status of enforcement matters addressing violations which result from coordinated investigations of permitted solid waste facilities. Each environmental field office inspector (DSWM & DWPC) involved in the investigation of the site shall receive copies of significant documents (e.g., NOV's, Commissioner's Orders, Final Orders, correspondence relating to the status of remedial activities) generated during any enforcement proceeding, to ensure continued communication between the Divisions throughout such proceeding. Personnel from each Division may be utilized in any contested case hearings before the Solid Waste Disposal Control Board or the Water Quality Control Board.

Whereas, there are anticipated technical and legal changes which may require further modification of these procedures periodically, the undersigned Division Directors will scrutinize this Agreement on a continuing basis.

(Signature on File)
 Mike Apple,
 Director, DSWM
 pn084: Revision 1
 Previous: December 1988

(Signature on File)
 Paul E. Davis,
 Director, DWPC

4/18/08
 Date

Tennessee Department of Environment and Conservation

MUNICIPAL WASTEWATER SLUDGE HANDLING AND DISPOSAL

Memorandum of Understanding

THIS MEMORANDUM OF UNDERSTANDING is entered into between the Division of Solid Waste Management (DSWM) and the Division of Water Pollution Control (DWPC) under, and in accordance with, the authority of the Tennessee Solid Waste Act, Tennessee Code Annotated §§ 68-31-101 et seq. (1986); Resource Conservation and Recovery Act, Subtitle D, as amended (1984); the Tennessee Water Quality Control Act of 1977, Tennessee Code Annotated §§ 69-3-101 et seq. (Cum. Supp. 1983); and the Water Quality Act of 1987 (P.L. 100-4).

PURPOSE

Under Federal authority several significant amendments have been made to the Clean Water Act. One of these amendments pertained to sewage sludge (Section 405(d)). The overall intent of these amendments is to have municipal wastewater treatment plant sludge controlled by regulations promulgated under the authority of the Water Quality Act, specifically with respect to 40 CFR Part 503, Subparts B and C. In keeping with this national concept, the State of Tennessee, Department of Environment and Conservation is clarifying responsibilities for municipal wastewater sludge handling and disposal from DSWM to DWPC.

DEFINITIONS

“COMMISSIONER” – The Commissioner of the Tennessee Department Environment and Conservation or his authorized representative.

“DOMESTIC WASTEWATER” – Wastewater of the type commonly introduced into a treatment works by residential users.

“MUNICIPALITY” – A city, town, county, district, association or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under State law having jurisdiction over treatment of domestic wastewater, or any other entity defined as such by the Commissioner.

“LAND APPLICATION” means the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can *either condition the soil or fertilize crops or vegetation* grown in the soil.

“MUNICIPAL SLUDGE” means any solid, semi-solid, or liquid waste generated from a treatment works treating domestic sewage, exclusive of the treated effluent from that facility.

“SEWAGE SLUDGE UNIT” is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. “Land” does not include waters of the State of Tennessee, as defined in Tennessee Water Quality Control Act.

“SLUDGE” means any solid, semi-solid, or liquid waste (i.e., biosolids) generated from a commercial, municipal, industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

“SURFACE DISPOSAL SITE” is an area of land that contains one or more active sewage sludge units. An active sewage sludge unit is a sewage sludge unit that has not closed.

ELEMENTS OF UNDERSTANDING

There is mutual understanding between the Division of Solid Waste Management (DSWM) and the Division of Water Pollution Control (DWPC) on the following:

1. DSWM will continue to process applications for special waste approvals for all Wastewater Treatment Sludges being shipped to Class I municipal solid waste landfills.
2. DSWM will continue processing permit applications for all composting operations utilizing municipal wastewater treatment sludge as an ingredient in the composting process.
3. DWPC will handle all aspects of land application of sludge originating at treatment works treating domestic sewage as described at 40 CFR Part 503.
4. DWPC will be responsible for surface disposal facilities. Upon request, DSWM will evaluate and report to DWPC concerning the adequacy of the facility design, site geology, groundwater and methane monitoring systems at treatment works treating domestic sewage sludge surface disposal units which are not land application sites. This includes, but may not be limited to sludge monofills, surface impoundments, lagoons, waste piles, and sludge disposal in trenches and area fills.

EFFECTIVE DATE: February 15, 2000

Signature on File
Paul Davis, Director
Division of Water Pollution Control

Signature on File
Mike Apple, Director
Division of Solid Waste Management

APPROVED:

Signature on File
John Leonard
Assistant Commissioner for Environment
pn114: Original

Tennessee Department of Environment and Conservation

WATERWORKS SLUDGE

Memorandum of Agreement

THE MEMORANDUM OF AGREEMENT is entered into between the Division of Solid Waste Management (DSWM) and the Division of Water Supply (DWS) under, and in accordance with, the authority of the Tennessee Solid Waste Act, Tennessee Code Annotated § 68-211-101 et seq. and the Tennessee Water Quality Control Act of 1977, Tennessee Code Annotated § 69-3-101 et seq. (Cum. Supp. 1983); and the Water Quality Act of 1987 (P.L. 100-4); and the provisions of Tennessee Code Annotated § 68-221-101 et seq.

PURPOSE

The Division of Water Supply is the division responsible for investigating, inspecting and general supervision over the operation and maintenance of water supply and waterworks systems. The Division of Solid Waste Management is responsible for the general supervision over the operation and maintenance of solid waste processing and disposal facilities or sites. The purpose of this memorandum of agreement is to transfer the responsibility for the “land application” of sludge generated from waterworks systems from the DSWM to DWS.

DEFINITIONS

“Waterworks system” shall be defined as per TCA 68-221-101.

“DWS” will mean Tennessee Department of Environment and Conservation, Division of Water Supply.

“DSWM: will mean Tennessee Department of Environment and Conservation, Division of Solid Waste Management.

ELEMENTS OF AGREEMENT

There is mutual agreement between the Division of Solid Waste Management and the Division of Water Supply on the following:

1. DWS will assume primacy for all beneficial use or disposal by land application of waterworks treatment sludge on the effective date of this MOA.
2. DWS will grant interim acceptance for all such land application sites approved by DSWM prior to the effective date of this MOA.
3. DSWM will make available to DWS all files on any existing sites authorized by the DSWM.

4. The DSWM will make copies of such land application files available to DWS staff. When field offices are physically located in the same building, a mutually acceptable location for the files will be agreed upon by the office supervisors for DSWM and DWS.
5. The DSWM retains regulatory responsibility for such sludge disposal in landfills permitted by DSWM. All other such sludge management uses will be regulated by the DWS.
6. DSWM staff will be available to DWS staff for consultations on past projects on a case-by-case basis. These consultations will be to provide background information and may involve site inspections, reviews of reports and/or applications on a very limited basis.
7. When siting new waterworks treatment sludge application sites, the DWS will utilize the buffer zone standards in the attachment.

EFFECTIVE DATE: April 1, 1996

Signature on File
David Draghon, Director
Division of Water Supply

Signature on File
Tom Tiesler, Director
Division of Solid Waste Management

APPROVED:

Signature on File
Kenneth W. Bunting, Administrator
Land and Radiological Program

Signature on File
James W. Haynes, Administrator
Air and Water Programs

Signature on File
Wayne K. Scharber, Deputy Commissioner
Environment
pn089: Original

ATTACHMENT

The following buffer zones standards will apply to new sites used for the land application of waterworks treatment sludge:

<u>Subject</u>	<u>Minimum Buffer Distance</u>
dwelling	250 feet
road	20 feet
surface water	200 feet
public well	1,000 feet
private well	500 feet
water table	4 feet (vertically)

**BOE-GENERAL-P-03 BENEFICIAL USE 080619 BENEFICIAL USE OF
SOILS MEMORANDUM OF UNDERSTANDING, DIVISION OF
REMEDICATION AND DIVISION OF SOLID WASTE MANAGEMENT**

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

EFFECTIVE DATE: Date of signed by the Director, Division of Remediation (or designee) and by the Director, Division of Solid Waste Management (or designee).

SIGNATURES:



Division of Remediation, Director



Division of Solid Waste Management, Director



Preparer

Reviewer (optional)

PURPOSE:

The Tennessee Department of Environment and Conservation (Department) has a public obligation to maintain a coordinated regulatory program for all regulated functions in the State, and the standards by which programs are administered should be consistent. The Division of Solid Waste Management (DSWM) and the Division of Remediation (DoR) strive to achieve comparable levels of protection of human health, safety, and the environment. This Memorandum of Understanding (MOU) is not intended to define the authority of either Division. It will be used solely to inform the Divisions' process whenever a petition for beneficial use determination for soil is received from a site enrolled in the Voluntary Oversight and Assistance Program.

SCOPE:

To the extent allowed by federal and state statutes, DoR and DSWM will strive to:

- 1) Achieve comparable levels of protection of human health and the environment when remedial and corrective actions are performed or overseen by the two Divisions.
- 2) Promote remedial and corrective actions at sites and facilities to levels which comply with Part 1 and Part 2 of the Hazardous Waste Management Act (HWMA), the Solid Waste Management Act,

and the regulations adopted pursuant to these Acts.

- 3) Use the procedures established in DSWM's policy on Beneficial Use of a Solid Waste (PN028).

This MOU shall only apply to a site which is enrolled in the Voluntary Oversight and Assistance Program and which intends to petition the Department for a beneficial use determination for soil generated at that same site.

PROCEDURE:

Once a petition for a beneficial use determination for soil is received by the Department, the following steps will be followed :

- 1) DoR shall review the petition for beneficial use determination and supporting analytical data to determine if the proposed use would be detrimental to public health, safety, or the environment. DoR will provide either concurrence or comments to be addressed by the petitioner. If the DoR agrees that the proposed beneficial use would not be detrimental to public health, safety, or the environment, the DoR shall provide written commtmic.ntion to the DSWM Field Office Manager providing this determination.
- 2) DSWM shall rely on DoR's determination whether the proposed beneficial .use, along 'with handling and storage of the soil before use, would be detrimental to public health, safety, or the environment. Additionally, DSWM w ill determine if the petition is consistent w ith the Beneficial Use of a Solid Waste Policy (PN028) and provide either concurrence or comments to be addressed by the petitioner.
- 3) The divisions will joint ly provide a concurrence letter to the generator of the soil proposed for beneficial use stating that the solid waste proposed for beneficial use complies with policy PN028. Additionally, the divisions will joint ly provide a letter to the facility receiving the soil approved for beneficial use that approves the use of the soil and details any conditions on the use of the soil, including handling and storage of the soil before use). The divisions agree that these letters of concurrence shall be signed by the Field Office Managers for each respective division.
- 4) DSWM shall perform all other appropriate actions under the Solid Waste Management Act, Part 1 of the HWMA.
- 5) DoR shall perform all other appropriate actions under Part 2 of the HWMA, including requesting or ordering the recording of land use restrictions if required.

AGREEMENT REVIEW AND MODIFICATION

The division directors will review this memorandum of understanding as necessary. Changes to this memorandum of understanding must be signed by both division directors.

AGREED to this date, August 6, 2019, and subject to change in writing upon assessment of the need.

REFERENCES:

TDEC Bureau of Environment, *BOE-P-01-Developing Policy-080717, Developing Policy or Guidance Documents*

TRAINING, RECOMMENDED OR REQUIRED:

Policy review

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	08/06/19	Developed

Memorandum of Understanding

BETWEEN THE DIVISION OF SOLID WASTE MANAGEMENT AND THE DIVISION OF REMEDIATION FOR MAANGEMETN OF TRANSPORTATINO RELATED FUEL RELEASES

The Tennessee Department of Environment and Conservation has a public obligation to maintain coordinated assessment and corrective action programs in Tennessee and maintain consistent standards. The Division of Solid Waste Management (DSWM) and the Division of Remediation (DOR) are both required to protect human health and the environment at sites regulated under their authority.

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

REVIEW OF MINOR MODIFICATIONS
POLICY

Purpose

The purpose of this policy is to establish a procedure for the review of minor modifications for solid waste landfills and solid waste permit by rule facilities.

Landfills

The definition of a minor modification for landfill permits is found at Rule 0400-11-01-.02(6)(b)5. In general, a minor modification is a change in the plans for a facility which will not alter the expected impact of the facility on the public, public health, or the environment. The following procedure is to be followed:

- The field office permit writer completes review of the requested modification and submits the landfill minor modification checklist (attached) to the Director.
- If appropriate, the field office manager will work with the external affairs director to notify local government of the receipt of the request for minor modification. Notification should be made if the minor modification might impact nearby residents (e.g., changes to operational hours, new entrance, etc.). Notification, if appropriate, should be made within ten (10) days of minor modification receipt.
- After submitting the checklist and notification as necessary, the field office manager signs the requested approval. This step will not be delayed unless the field office is contacted by the director regarding the minor modification.
- Revised permit documents are filed at the field office and copied to the central office.

Permit By Rule Facilities

Minor modifications for permit by rule facilities are not defined in the Rule. For purposes of this policy, modification of a permit by rule which does not require resubmitting of a notification package and fee will be handled as a minor modification. Such minor changes include changes in equipment, operations, or storage capacity. An example of a modification which would require resubmitting a notification and fee include a change of classification (e.g., change from a transfer station to a processing facility). The following procedure is to be followed:

- The field office completes review and submits a memorandum to the central office describing the modification and recommending approval or other action.
- If appropriate, the field office manager will work with the external affairs director to notify local government of the receipt of the request for minor modification. Notification should be made if the minor modification might impact nearby residents (e.g., changes to operational hours, new entrance, etc.). Notification, if appropriate, should be made within ten (10) days of minor modification receipt.
- The central office issues a letter of acceptance or denial of the minor modification to the permittee as an addendum to the original permit by rule.

(SIGNATURE ON FILE)
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn131: Original

JULY 2, 2013
Date

Landfill Minor Modification Evaluation Checklist

Site Name: _____
Reviewer: _____

Site ID: _____
Date Received: _____

Does minor modification request involve a change in site capacity? Y / N
If yes, what is the estimated change in capacity? _____

Does minor modification request involve a change in the final contours? Y / N

Does minor modification request involve a change in the direction of site drainage? Y / N

Does minor modification request involve a change to an existing facility-specific permit condition?
Y / N

Does this minor modification request involve a change in the plans for a facility which will alter the expected impact of the facility on the public, public health, or the environment? Y / N

If the answer to any of the above questions is “yes”, then the request must be processed as a major permit modification, and all related fees and procedures for a major permit modification, such as public notice/public comment, etc., must be observed. If the answer to all of the above questions is “no”, then proceed with completion of this checklist.

Please provide a brief narrative summary of the changes included in this proposed minor permit modification:

Do you recommend issuance of the proposed minor permit modification(s): Y / N

Do you recommend notification to local government of the minor modification? Y / N

If yes, please explain. _____

Comments:

Permit Writer Signature

Date Reviewed

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

ENVIRONMENTAL SITE ASSESSMENT
POLICY

In accordance with TCA § 68-211-105 all new Class I, II, III, and IV facilities and coal ash fill permit-by-rule facilities must have environmental site assessments that include an evaluation of the quality of groundwater beneath the proposed facility. This requirement does not include expansions, modifications, or new units for existing permitted facilities.

The environmental site assessment will be submitted along with the part II application or permit-by-rule notification. Ground water must be sampled and analyzed for Appendix I constituents or for constituents listed in the ground water monitoring plan. In addition to the required ground water data the assessment may also include the following:

1. Soil Data; and a
2. Site Development History / Land Use.

In accordance with TCA § 68-211-107, all land disposal facilities with a new permit or an expansion permit for which the tentative permit decision was published after July 1, 2006, including class IV and coal ash permit-by-rule facilities, must at least annually sample ground water. Ground water must be sampled and analyzed for Appendix I constituents or for constituents listed in the ground water monitoring plan.

_____[Signature on File]_____
Mike Apple, Director
Division of Solid Waste Management
pn128: Original

_____09/21/06_____
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**WASTE STABILIZATION AT CLASS I LANDFILLS
POLICY**

A. Design and Operating Criteria

The following information or design criteria must be included in the Permit By Rule application:

1. Primary (mixing) vessel design.
 - a. watertight construction
 - b. covered (e.g. as a roof)
 - c. meets safety standards for an open pit as applicable
 - d. leak detection capability
 - e. leak containment – such that any leaks are contained within the detection system, but not necessarily full secondary containment
 - f. use of a flexible membrane liner must conform to Rule .04(4)
2. Characterization of bulking agents and pozzolanic agents
 - a. description
 - b. analytic data as applicable
3. Provisions for maintenance testing (leak testing)
4. Provisions for Containment of Washdown Water or Spills (may be within primary vessel)
5. Provisions for Management / Screening of Obnoxious (odorous) Wastestreams
6. Provisions for testing of wastes after processing

B. Wastestream Approval (Special Waste Approval)

The following minimum requirements for special waste approval must be incorporated into the Permit By Rule application:

1. Each wastestream (but not each shipment) must obtain a special waste approval which provides for disposal only in the associated Class I Landfill
2. The 50 mile limitation remains in effect for out-of-state wastestreams
3. The special waste application must include a description of those parameters which will be checked upon receipt of the wastestream

C. **Recordkeeping**

The following minimum recordkeeping requirements must be incorporated into the Permit By Rule application:

1. Each load must be accompanied by a certification that the load is not a RCRA hazardous waste (may be part of a special waste manifest or similar paperwork).
2. Records on the waste profile tests performed after receipt of the waste, but prior to treatment, must be kept.
3. Records on the treated waste (e.g. paint filter test) must be kept.
4. Records must be kept at the landfill facility or the processing facility or at another location approved by the Department.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn095: Original

06-26-1996
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**REGULATION OF TRANSFER STATIONS
POLICY**

TRANSFER STATIONS

The regulation of transfer stations is found at rule 0400-11-01-.02(1)(c)1(v) with corresponding fee language at rule 0400-11-01-.07, paragraphs (2) and (3).

A transfer station is defined in the regulations as “a combination of structures, machinery or devices at a place or facility which receives solid waste taken from public and/or private collection vehicles and which is placed in other transportation units for movement to another solid waste management facility.” Transfer stations are registered under a permit by rule with a prefix of “TRF”. A transfer station may use a compactor to load vehicles without being designated as a solid waste processing facility. Transfer stations may also salvage recyclable materials as part of the transfer station operation. Recycling activities should be described in detail in the permit by rule notification.

SATELLITE COLLECTION

In order to be registered as a transfer station, some type of fixed location (i.e. facility) with “structures, machinery, or devices” must exist. It is not the intent of the DSWM to regulate those types of waste collections which use smaller collection vehicles to deliver wastes to a larger collection vehicle. Such operations do not use a fixed location for the transfer, nor would they be likely to have “structures, machinery, or devices” at those sites.

The DSWM has encountered some waste collection operations which utilized trailers temporarily parked in areas that are unfenced and unattended. Such an operation is not a transfer station as defined by the DSWM. Persons using trailers which have received waste collected from off-site and left unattended may, if warranted, be cited for disposal. If such trailers contain medical waste, state law defines this as a criminal violation under certain circumstances (T.C.A. §55-8-162).

(Signature on File)
Mike Apple, Director
Division of Solid Waste Management
pn009: Revision 2
Previous: September 2000

(05/09/08)
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**FINAL CERTIFICATION OF CLOSURE FOR
DISPOSAL FACILITIES AND FACILITY PARCELS
POLICY**

Purpose

The intent of this policy is to clarify the review and approval procedures for the closure and certification of a disposal facility or a disposal facility “parcel”. Final certification of a landfill or a portion of a landfill (parcel) allows release of the financial assurance for closure and begins the post-closure care period for that landfill or parcel.

Definitions/Regulations

Rule 0400-11-01-.01(2) – Definitions contains the following:

“Parcel” means a discrete portion of a disposal facility.

“Phased Development Plan” means a plan for developing a tract of land as a disposal facility in sequential segments, or parcels, provided that the entire tract of land is covered by a permit authorizing such use. As used in this rule, **a parcel must be of adequate acreage to sustain at least five years of use** based on estimated solid waste volumes to be handled over that period.

Rule 0400-11-01-.04(8)(c)9 states:

The operator must notify the Division Director in writing within 60 days of his completion of closure of the disposal facility or disposal facility parcel. Such notification must include a certification by the operator that the disposal facility or disposal facility parcel has been closed in accordance with the approved closure/post closure care plan. Within 21 days of the receipt of such notice the Division Director shall inspect the facility to verify that closure has been completed and in accordance with the approved plan. Within 10 days of such verification, the Commissioner shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

Summary

Once the landfill operator submits a written certification of closure, the environmental field office is responsible for evaluation of the documents to verify that closure is complete and in accordance with the plan. In most cases this will include review of construction quality assurance documents. The field office will send a memo to the Director recommending certification of closure once the above determination has been made. The memo shall include the date that the landfill owner sent closure certification and the date of final inspection. If the certification is for a parcel, a description and map of the parcel shall be attached.

The final closure certification shall be issued from the central office under the Director's signature. The closure certification form letter is attached.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn106: Revision 1
Previous: August 1998

09/21/06
Date



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 – 1535

[Date]

[Facility Owner/Operator]
[Facility Name]
[Facility Address 1]
[Facility City], TN [Facility Zip Code]

RE: Approval of Closure Certification: [Facility Name]
[Facility Permit ID Number]

Dear [Facility Owner/Operator]:

On [Date of Receipt] the Division of Solid Waste Management (DSWM), [Environmental Field Office Name], received closure certification from the above referenced facility. Based on a review of the certification document and upon a facility inspection conducted on [Date of Inspection], verification of final closure for this facility [or facility parcel] has been determined to be complete and approval is hereby granted.

Pursuant to Tennessee Rule 0400-11-01-.03(3)(i)2, [Facility or Facility Parcel Name] is hereby notified that it is no longer required to maintain financial assurance for closure of the facility [or facility parcel]. You will be sent separate correspondence regarding the release of your financial assurance.

Further, the thirty (30) year post closure care period for this facility [or facility parcel] begins upon receipt of this approval letter. All post closure care activities outlined in Rule 0400-11-01-.04(8)(e) and all post closure care activities specified in the facility’s approved Closure/ Post Closure Plan must be followed as required.

If you have questions concerning financial assurance you may contact O. J. Wingfield at 615-532-0877. Please contact this office at 615 532-0780 with questions concerning the closure certification.

Sincerely,

Mike Apple, Director
Division of Solid Waste Management

cc: Glen Pugh, Solid Waste Program Manager
[Environmental Field Office Manager Name], [Field Office Name]
O. J. Wingfield, Financial Responsibility Group

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**POST-CLOSURE CERTIFICATION AND PERMIT
TERMINATION
POLICY**

Purpose

The intent of this policy is to clarify the review and approval procedures for the post-closure certification and subsequent termination of a landfill permit at the completion of the post-closure care period. Post-closure certification by the landfill owner initiates the process of terminating the landfill permit.

Post-closure certification of a landfill parcel or phase follows this same procedure including release of that portion of the financial assurance, but will not result in termination of the permit.

Procedure Review

At the end of the post-closure care period, the landfill owner must submit written certification that post-closure has been completed in accordance with the closure plan. The environmental field office will evaluate this certification. The field office will then submit a memo to the Director either recommending termination of the permit or an extension of the post-closure care period. Attachments to the memo shall include a copy of the final site inspection and a copy of the deed notation identifying the site as a landfill. If a recommendation is made to extend the post-closure care period, any problems at the site – such as groundwater contamination, leachate breakouts, erosion, or obvious gas impacts should be listed on the inspection sheet and explained in the memo.

If the owner's post-closure written certification is accepted, a public notice of intent to terminate the permit will be prepared and issued by the central office. Once a permit is terminated, the Financial Responsibility Group will be notified so that financial assurance may be released.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn127: Original

09/21/06
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**CONSTRUCTION QUALITY ASSURANCE INSPECTION
POLICY**

Objective: To ensure proper construction practices and construction quality assurance procedures are followed at permitted landfills in Tennessee.

The performance of liner/leachate collection systems and final cover systems is an integral part of our ground water protection strategy. The following inspection schedule is provided as a guideline or goal for field offices to use in performing construction inspections, and is a description of the critical steps in the construction process.

At a minimum, each construction project (i.e. construction on each cell) should be inspected at least twice, once during the construction and again just prior to receiving waste. In addition, field office staff should attend a pre-construction meeting at least once for each permitted facility.

Inspection Schedule

I. Pre-Construction Meeting

This type of meeting should be attended by SWM staff at least once for each facility. It might be necessary to attend a second meeting if significant problems were noted during the initial construction phase. The owner (who may be represented by his engineer), the engineer (CQA officer), and the construction contractor should all be present and discuss the site specific CQA Plan for the facility. The following should be discussed:

- A. Role of CQA officer
- B. Test frequency and methods for borrow material, liner and other materials
- C. Equipment required
- D. DSWM role in the project

II. Base Grade Inspection

Many recent permits have been issued with a specific condition requiring inspection by DSWM of the base grade of excavation. This inspection is more directly related to the geologic buffer, but it can have implications for liner construction. For example, if sandy or rock zones are noted, and the excavation material was proposed to be used as liner construction material, then its borrow stockpile should be closely inspected.

III. Clay Liner Construction Inspection

This type of inspection should be performed as necessary, but in order to evaluate construction techniques, the inspector should be present when clay is being placed and compacted. As-built clay liners look very much the same whether they fail permeability tests or not. Use the inspection checklist to look for such items as:

- A. Borrow material properties
- B. Number of passes
- C. Lift thickness
- D. Type of equipment, etc.

IV. Final inspection – Clay Liner

In order for the composite liner concept to work, intimate contact between the FML and the clay liner is necessary. Therefore, the finished surface of the clay liner should be smooth, free of rocks or other protrusions, and free of desiccation cracks (see checklist).

V. FML Installation Inspection

Proper liner (FML) installation is very difficult and prone to human error. Fortunately all seams can be field tested for integrity and sample can be lab tested for strength. Our field inspection is primarily to observe the seaming technique (see checklist).

VI. Final Inspection/Drainage Layer Inspection

This inspection should be made prior to the facility receiving waste and is primarily used to check that the leachate collection system will function as designed. Look for proper materials of pipes and geotextiles and make sure that grades have been surveyed (see checklist).

Use of the Checklist

A CQA checklist should be completed whenever one of the above site inspections is performed. A copy should be forwarded to the Central Office and one copy to the owner. Any observed problems (checklist items) may be followed up on or responded to in a number of ways. In order of preference they are as follows:

1. Item is discussed and resolved with owner or CQA officer on-site at the time of inspection. This should be noted in the comments section.
2. Item is followed up by a subsequent inspection and so noted as being satisfactory in the comment section.
3. Item is discussed verbally with owner (or engineer) subsequent to inspection and, if resolved, the conversation should be recorded by a memo to the file.
4. Item is noted in a cover letter to owner when their copy of the CQA checklist is sent. Owner should be requested to respond to the item in writing.

Resolution of disputed (unresolved) items may be pursued as a Permit violation. Keep in mind that our ultimate measuring stick for a successful liner project is the undisturbed permeability test of the completed liner

[Signature on File]

Tom Tiesler, Director
Division of Solid Waste Management
pn075: Revision 1
Previous: December 1993

08-19-1996

Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

ASSIGNMENT OF DUTIES
POLICY

When a Part I landfill application is sent from a Field Office to the Central Office, it is the responsibility of Permit Administration to publish a preliminary public notice in appropriate newspapers.

When a Part II is complete and a decision made to permit or deny a permit to the applicant, Permit Administration will publish a second notice known as a “tentative decision” notice, in the same newspapers that published the preliminary notice. A copy of the DRAFT permit is sent to the appropriate people and places for public viewing. A copy of the DRAFT permit and Fact Sheet are sent to the public library nearest the proposed landfill site.

It is the responsibility of the Field Office to take the appropriate manuals and drawings to the same library.

[Signature on File]_____

Tom Tiesler, Director
Division of Solid Waste Management
pn066: Revision 1
Previous: September 1985

02-16-1996_____

Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**HYDROGEOLOGIC REPORT
POLICY**

As provided in Solid Waste Rule 0400-11-01-.04(9) the Part II Permit Application shall include a hydrogeologic report. Although this report is specific data relative to the geologic review of a site, this report is the basis for the preparation of engineering plans. In view of the multi-discipline decisions that this report impacts, the final review of this report shall be coordinated by the field office manager. At such time as the hydrogeologic report has been determined to be deficient or adequate to meet regulatory requirements, a letter will be forwarded under the signature of the field office manager. This letter may require additional information and/or summarize weaknesses of the site. A memo prepared by the staff geologist will be drafted in order that specific details of the review may be documented. This procedure is not a reflection of the capability of any discipline, but rather reflects the need for careful coordination.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn070: Original

01-29-1991
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

PEER REVIEW PROCESS
POLICY

Effective immediately, the Division of Solid Waste Management is initiating a Peer Review Procedure for all landfill applications. The objective of this policy is to provide for consistency in the Division's review process and to provide support and training for Field Office staff.

The following steps are to be completed before the Permit Review Committee meeting is held for a given application:

1. As soon as it is received, one copy of the Hydrogeologic Report will be forwarded to the Central Office.
2. The Field Office Manager will designate a Project Manager for the application.
3. As soon as it is received, one copy of the Plans and Operation Manual will be forwarded to the Central Office.
4. Any written comments (input) from the Central Office will come from the Technical Section to the Project Manager.
5. The Project Manager will be responsible for scheduling a Peer Review Meeting with the Technical Section. They will determine which staff will attend.

Project Manager – The Project Manager is designated by the Field Office Manager, and may be any position within the given Field Office. This designation should be made at least by the time a Hydrogeologic Report is received by the field Office. When this Report is forwarded to the Central Office, the Project Manager's name may be attached.

A Project Manager's role is to coordinate the review process. This role includes meeting time deadlines, receiving input from other Divisions, completing the Peer Review Process, and scheduling a meeting with the Permit Review Committee.

Peer Review Meeting – This meeting will typically be held at the Field Office and will be conducted by the Project Manager. The purpose of this meeting is to discuss the comments or input that the Central Office staff has previously provided or have brought to the meeting. The Project Manager will decide how to incorporate this input into the review process.

The Central Office will notify all other Field Offices of the scheduled Peer Review meeting so that interested technical staff may attend. In addition, the Director may designate a particular Field Office person to attend a Peer Review meeting. I encourage everyone involved in this process to work towards a goal of accurate and timely permit application review.

[Signature on File]

Tom Tiesler, Director
Division of Solid Waste Management
pn067: Revision 1
Previous: March 1994

03-23-1998

Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**PERMIT REVIEW COMMITTEE MEETINGS AND
PRESENTATION
POLICY**

In the future the Solid Waste Permit Review Committee will meet the first Thursday of each month.

All permits to be considered must be received in this office no later than two weeks prior to the committee meeting. An agenda of permits to be considered and the approximate time they will be heard will be sent to all Field Office Managers for their information prior to the meeting.

Please bring, do not mail, the materials that make up a complete package which shall consist of the following:

1. Hydrogeological Report
2. Engineering Plans
3. Operations Manual
4. Closure/Post Closure Plan – Cost estimate for closure
5. Completeness Determination Letter
6. Field Office Review Time (days)
7. Two copies of the Application to be brought to the Permit Review

The originals for the draft permit, fact sheet and application for permit must be submitted. The original for the draft permit should be on plain bond paper, not letterhead, and should not have “draft” stamped on it. It will become the final permit when signed. The attached permit form is to be the format used on all draft permits.

The fact sheet should briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit to include, when applicable:

1. Type of facility or activity which is the subject of the draft permit;
2. Type and quantity of wastes to be disposed of;
3. Summary of the basis for the draft permit conditions, including references to the statutory and regulatory provisions;
4. Reasons why waivers or alternatives are/are not justified;
5. Name and telephone number of a person to contact for additional information.

It shall be the duty of the Field Office to prepare the fact sheet, and draft permit in final form, and to ensure that a complete package is submitted. If additional information is needed, modification to plans, manuals, fact sheets, etc., it shall be the responsibility of the Field Office to make or have made those changes.

Incomplete submissions, revised plans, manuals, applications, draft permits will require the Field Office to re-present at the next month’s committee meeting.

Field Offices may request specific times to present applications to the Committee on a first come basis. The earlier a package is received, the better the chance for getting the desired time.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn064: Revision 1
Previous: August 1986

02-13-1996
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**TRACKING OF PERMIT REVIEW TIMEFRAMES
POLICY**

In order to verify that our Division is meeting timetables for issuing permits to solid waste landfills, we need your help.

As part of the permit package you now bring to permit review committee, you need to include a summary of the elapsed review time. An example follows:

Project Name ABC Landfill

Completeness Letter Sent to Applicant –	01/01/01	30 Days
First N.O.D.	-	
Revised Application Submitted –	01-31-01	14 Days
Second N.O.D.	02/15/01	
Revised Application Submitted –	-	17 Days
Date of Permit Review Committee	03/01/01	
	03/16/01	61 Days
Total Review Time	04/02/01	

The Central Office permitting section will be tracking elapsed time from the date of the Permit Review Committee forward.

As a reminder, there are also separate timeframes for a completeness determination of the hydrogeological report and the design and construction plans, to wit:

Hydrogeologic Report	30 days
Design and Construction Plans	45 days

[Signature on File]

Glen Pugh
Division of Solid Waste Management
pn065: Revision 1
Previous: August 1992

03-19-2001

Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**SERVICE AREAS
POLICY**

The Tennessee Supreme Court rendered a decision in the case of Sanifill, Inc. vs. Tennessee Solid Waste Disposal Control Board on October 16, 1995. At issue was the Division of Solid Waste Management's use of service area conditions in permits for solid waste disposal at Class I landfills. The Court upheld a lower court ruling that such restrictions are not within the authority of the Solid Waste Act.

Our counsel has determined that service area conditions in all landfill permits are unenforceable. The division therefore considers such conditions to be null and void. New permits or permit modifications for Class I landfills will not contain service area conditions.

This ruling does not affect the authority of a Solid Waste Region to control the flow of solid waste as found in TCA 68-211-814.

You may contact the Division's Central Office at 615-532-0780 with questions or for further information on this matter.

08-10-1998

Date

Division of Solid Waste Management
pn096: Original

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

REMEDIATION GUIDANCE LEVELS
POLICY

Since May of 2000, the Division has been utilizing the EPA Region 9 Preliminary Remediation Goal's (PRG's) to establish no further action levels for remediation sites. When contaminants are encountered that are not in the listing, the State Remediation Program should be contacted and they will work with EPA's Toxicology Section to establish the appropriate level.

By using the PRG's, the Division establishes a level that is protective of both health and environment for the material left in place. Those levels are extremely conservative, and therefore, may be utilized without further risk assessments being performed. However, in some situations, these levels will not be obtainable and a risk assessment would be appropriate. The utilization of this criteria requires a determination that groundwater has not and cannot be adversely affected by the material left in place.

Based on the PRG Guidance, the following is a brief summary of the steps involved in determining the appropriate level that may be left in place at a site with no adverse health or environmental impact. (The levels for the parameter of concern must be verified by the consultant with the State Remediation Program prior to the completion of the site remediation.)

The State Remediation Program does not utilize action levels to determine if additional assessment/remediation is warranted at contaminated sites. Once it is established that a disposal has occurred (either intentional or unintentional), the initial investigation must determine both horizontal and vertical extents of migration of the contaminants in all affected media (including groundwater) to either background or non-detect, not to an action level. This does not include spill situations that are addressed immediately. Once the extent of migration is established, a determination can be made as to what portion of the site warrants remediation. Remediation of soil is determined by two steps: One, the total level of the parameter of concern must be less than the level established in the Risk-Based Document for Ingestion; and secondly, the highest level left in place must not be capable of adversely affecting groundwater at the site.

For example, if the risk-based level for lead in soil is 400 parts per million (this means that no adverse effects would occur if this material was ingested over a period of years) and the site verified that the highest level left in place is 100 ppm, the site has met the first criteria for remediation. However, the second step is for a leaching procedure to be run on this sample. If the leachate from this sample is below the MCL (Maximum Concentration Limit) for groundwater, then it proves that even under the worse case scenario (drinking the leachate or eating the soil) no adverse health effects would arise. However, if the leachate was above the MCL, we would require that either the soil be removed or treated to a lower contaminant level, or that a study be completed to show that the conditions at the site would not allow the groundwater to be adversely affected (attenuation, dilution, depth to groundwater, etc.).

Of course, every site is different and there are other factors that must be considered, but as a general rule, this approach can be used to investigate and remediate a site.

The EPA Region 9 PRG's can be accessed at the following address:

www.epa.gov/region09/waste/sfund/prg/

[Signature on File] _____
Mike Apple, Director
Division of Solid Waste Management
pn030: Revision 4
Previous: October 1997

07-01-04 _____
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**HOMEOWNER GENERATED SPECIAL WASTE
POLICY**

The regulations governing the management of “special waste” were designed to regulate waste posing special characteristics that was generated by facilities other than individual homeowners. Unfortunately, this is not spelled out in the regulations and when the regulations are strictly applied, such homeowner must have approval from the division and must pay a fee for any type of “special waste” (sludge, bulky waste, pesticide waste, medical waste, exempted hazardous waste, etc.), irregardless of quantity, which is disposed of in a Class I, II, III, or IV disposal facility. This means that the homeowner should have “special waste” approval of all household hazardous wastes, irregardless of quantity, and pay the \$250.00 for each waste stream.

It is the intent of this policy to specifically exclude homeowners from having to obtain a “special waste” evaluation and approval from the Division prior to the disposal of their household waste generated from their place of residence. This exemption also includes the payment of the “special waste” approval fee.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn014: Original

03-23-1993
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**SPECIAL WASTE APPROVAL SIGNATURE
POLICY**

Beginning October 1, 1991, all Special Waste Approvals must be signed by the Field Office Manager for the particular region in which the receiving facility is located. I realize there is some variation in approvals across the state, but as a matter of policy henceforth all Special Waste Approvals must be reviewed and signed by the Field Office Manager.

[Signature on File]

Tom Tiesler, Director
Division of Solid Waste Management
pn011: Original

09-16-1991

Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**SPECIAL WASTE APPROVALS FROM GENERATORS LOCATED
OUTSIDE THE STATE OF TENNESSEE
POLICY**

The purpose of this memorandum is to clarify the Division's policy concerning the approval of special waste for disposal in Tennessee's landfills from generators who reside outside of the jurisdiction of the Department of Environment and Conservation. In keeping with the policy of the Solid Waste Management Act of 1991, in order to ensure that no hazardous waste as regulated under Tennessee Code Annotated Title 68, Chapter 46 is disposed of in a solid waste disposal facility, and further in keeping with the mandates of this same section that all solid waste streams, baled waste and special waste generators and transporters be inspected to prevent the introduction of hazardous waste into solid waste disposal facilities, the following policy must be initiated immediately.

Prior to consideration for approval for any special waste generated by a person who resides outside of the boundaries of the State of Tennessee, a trip must be scheduled to visit the generator of the waste in order to inspect his facilities and the waste stream in question.

Because Division personnel do not have the latitude to make routine, unannounced inspections of generators who reside out of state, it is the Division's policy that any special waste originating from outside the Division's jurisdiction shall be subject to the following sampling plan:

1. Each bale or each four cubic yard volume of special waste received at a Tennessee facility must be randomly sampled and a TCLP analysis run on the sample. (If the waste is less than four cubic yards, then the quantity received must be tested.) Further, if it is suspected that any other contaminants or other waste characteristics may exist in this waste stream, any other analysis or information specified in the special waste approval must be provided.
2. Upon the receipt of this waste at a Tennessee facility, the operator of the facility must notify the appropriate Solid Waste Management field personnel at least twenty-four (24) hours prior to the landfill's receipt of such waste so that Division personnel have an opportunity to be present when the waste sampling occurs. Division personnel must be allowed an opportunity to split samples with the facility operator and take any samples deemed appropriate.
3. Unless otherwise specified in the special waste approval, no special waste generated from outside of Tennessee's jurisdiction may be disposed of until laboratory reports are received which indicate that the waste is not a hazardous waste and that it does not possess characteristics that prevent disposal.
4. All other special waste requirements normally associated with the approval of special wastes shall also apply to these special wastes.

The Director of the Division of Solid Waste Management may allow an alternative sampling plan if it is demonstrated to his satisfaction that the alternative plan is protective of health, safety and the environment considering all relevant circumstances.

[Signature on File]

Tom Tiesler, Director
Division of Solid Waste Management
pn013: Revision 2
Previous: March 1992

10-08-1993

Date

Tennessee Department of Environment and Conservation

Division of Solid Waste Management

SPECIAL WASTE GUIDANCE

Purpose

This guidance provides clarification of **Rule 0400-11-01-.01(4)(c)1** by identifying wastes under Special Waste Evaluation Categories that require the submittal of a Special Waste Application (form CN-1051) to the Division of Solid Waste Management (DSWM) for evaluation before management at a permitted solid waste facility. Furthermore, this guidance provides clarification of **Rule 0400-11-01-.01(2)** by identifying wastes under the Special Waste Characteristics that are Special Wastes and require the submittal of a Special Waste Application (form CN-1051) to the DSWM for approval before management at a permitted solid waste facility. Additionally, *T. C. A. § 68-211-102(b)* calls on the DSWM to develop inspection programs that include “waste streams, baled waste and special waste generators and transporters to prevent the introduction of hazardous waste into solid waste disposal facilities.”

Special Waste Evaluation Categories

Special Waste Evaluation Categories include all of the following non-domestic (non-household) wastes that could possibly be hazardous wastes (Notes: This list is not inclusive of all waste that could be a hazardous waste but are examples. Generators of all solid wastes (including liquids and compressed gases) must determine if their waste is a hazardous waste in accordance with Hazardous Waste Rule 0400-12-01-.03(1)(b) and maintain records in accordance with Hazardous Waste Rule 0400-12-01-.03(5)(a)3. Hazardous wastes cannot be managed at solid waste facilities permitted under Chapter 0400-11-01. Rule 0400-11-01-.04(2)(k) prohibits liquid wastes and whole tires from being disposed of in a landfill.):

- (a) Combustion wastes (Note: This does not include the ash generated from the burning of natural and untreated wood, landscaping wastes, land clearing wastes, and combustion waste excluded from being a hazardous waste under Hazardous Waste Rule 0400-12-01-.02(1)(d)2(xiii).);
- (b) Commercial chemical products or manufacturing chemical intermediates and off-specification commercial chemical products or manufacturing chemical intermediates;
- (c) Contaminated environmental media (groundwater, soil, and/or rock) and debris resulting from the cleanup of a spill or release (Note: Contamination includes petroleum¹ and any other waste identified as a category in this document.)
- (d) Cyanide wastes;
- (e) Distillation bottom wastes;
- (f) Pesticide wastes;
- (g) Pharmaceutical wastes;
- (h) Plating bath wastes;
- (i) Sludge including any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant; and/or,
- (j) Wastes that contain a constituent(s) in the definitions of listed wastes F001 through F005 found in Hazardous Waste Rule 0400-12-01-.02(4)(b)1 such as acetone, benzene, carbon disulfide, carbon tetrachloride, chlorobenzene, chlorinated fluorocarbons, cresols, cresylic acid, cyclohexanone, ethyl acetate, ethyl benzene, ethyl ether, 2-ethoxyethanol, isobutanol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, n-butyl alcohol, nitrobenzene, 2-nitropropane, ortho-dichlorobenzene, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, trichlorofluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, and/or xylene.

Special Waste Characteristics

The following descriptions identify characteristics distinctive to non-domestic (non-household) waste requiring special management and/or disposal, thus requiring Special Waste approval before managing at a permitted solid waste facility. All of the following examples of wastes require the submittal of a Special Waste Application and are Special Wastes (Notes: Generators of all solid wastes (including liquids and compressed gases) must determine if their waste is a hazardous waste in accordance with Hazardous Waste Rule 0400-12-01-.03(1)(b) and maintain records in accordance with Hazardous Waste Rule 0400-12-01-.03(5)(a)3. Hazardous wastes and TSCA PCB regulated/restricted wastes² cannot be managed at solid waste facilities permitted under Chapter 0400-11-01. Rule 0400-11-01-.04(2)(k) prohibits liquid wastes and whole tires from being disposed of in a landfill.):

- (a) Dangerous to manage wastes because of potential exposure during unloading/processing/disposal (e.g. friable asbestos wastes³, large amounts of fine dust wastes, waste containing cyanide, etc.);
- (b) Dangerous to manage wastes because of problems during processing or after disposal (e.g. reaction with waste/leachate such as aluminum dross);
- (c) Difficult to manage wastes because of the amount or type of the waste requires special operational considerations/conditions (e.g. requires deviation from normal operations such as bulky waste) and/or requires specialized equipment that is not listed in the facility's permit;
- (d) Medical wastes⁴;
- (e) PCB wastes²;
- (f) Solvent-contaminated wipes that are excluded from being a hazardous waste under Hazardous Waste Rule 0400-12-01-.02(1)(d)2(xvii);
- (g) Toxicity Characteristic Leaching Procedure (TCLP) analysis required wastes;
- (h) Wastes subject to regulation by the U. S. Department of Energy, Nuclear Regulatory Commission, and/or the Tennessee Division of Radiological Health (including but not necessarily limited to Bulk Survey for Release wastes and Technologically-Enhanced Naturally Occurring Radioactive Materials)⁵;
- (i) Wastes that were hazardous wastes and because of treatment are no longer hazardous wastes, however, Land Disposal Restrictions of Hazardous Waste Rule 0400-12-01-.10 apply. (Note: Even though a waste may no longer be a hazardous waste, the waste must meet the Land Disposal Restriction requirements/standards of Hazardous Waste Rule 0400-12-01-.10 in order to be disposed of in a landfill.); and/or,
- (j) Wastes the DSWM or the permitted facility determines requires special handling or restrictions or could possibly be prohibited from management as special wastes due to the danger and/or difficulty in initial management and/or long term impacts to the facility. This includes wastes that may affect the stability of the landfill and/or require special handling (e. g., volume is greater than 20 percent of the waste the facility normally manages).

Special Waste Evaluation Outcomes

The following are the three possible outcomes from the review of Special Waste Applications (Note: The fee for the special waste application/evaluation is not refundable no matter which determination is made by the DSWM.):

1. The DSWM determines based on the information/data submitted in the Special Waste Application or by inspection that the waste is a special waste but cannot be managed at a Tennessee Solid Waste Permitted Facility because it is a hazardous waste, a TSCA PCB regulated/restricted waste², and/or due to the danger and/or difficulty in initial management and long term impacts to the facility. The DSWM will issue a Special Waste Denial Letter stating the reason(s) for the denial. If an applicant would like to discuss a denial determination they should contact the DSWM Central Office – Solid Waste Program Manager.

2. The DSWM determines based on the information/data submitted in the Special Waste Application that a waste is not a hazardous waste and it does not meet any of the Special Waste Characteristics. The DSWM will issue a Non-Designated Special Waste Letter stating:
 - a) The waste will not have to be managed as a special waste and recertification is not necessary;
 - b) The generator must maintain a copy of the Special Waste Application and the DSWM Non-Designated Special Waste Determination Letter for review/copy by the DSWM as long as the waste is generated and managed in a Tennessee Solid Waste Permitted Facility in order for the determination to remain valid; and,
 - c) If the characteristics of a waste change due to any changes in the process generating the waste and/or any changes in the types or amounts of materials in the waste, then the generator must stop shipping the waste to a Tennessee permitted facility and submit a new Special Waste Application.

3. The DSWM determines based on the information/data submitted in the Special Waste Application or by inspection that the waste exhibits one or more of the Special Waste Characteristics, but is not a hazardous waste and/or a TSCA PCB regulated/restricted waste², and it can be safely managed at a Tennessee Solid Waste Permitted Facility. The DSWM will issue a Special Waste Approval Letter stating:
 - a) The waste must be managed as a special waste in accordance with the conditions in the letter and recertification in accordance with Rule 0400-11-01-.01(4)(c)4 (Note: See DSWM Policy Number 013 regarding special waste from outside the State of Tennessee. Travel to inspect waste generated out of state will be in accordance with the State's Travel Policy);
 - b) Wastes that require analyses for evaluation (e.g. TCLP analysis required wastes, etc.) as determined by the DSWM must, at a minimum, be sampled and analyzed within 365 days of the recertification date and the results submitted with the recertification (Note: The DSWM may require more frequent sampling analysis based on variability or possible variability of a waste.);
 - c) The generator and the Tennessee Solid Waste Permitted Facility must maintain a copy of the Special Waste Application and the DSWM Waste determination letter for review/copy by the DSWM as long as the waste is generated and managed in a Tennessee Solid Waste Permitted Facility in order for the determination to remain valid; and,
 - d) If the characteristics of a waste change due to any changes in the process generating the waste and/or any changes in the types or amounts of materials in the waste, then the generator must stop shipping the waste to a Tennessee permitted facility and submit a new Special Waste Application.

Use of Safety Data Sheets and Manufacturer's Specifications

Safety Data Sheets (SDS- formerly MSDS) and Manufacturer's Specifications can be used to determine what constituents could be present in a waste and is important when making some hazardous waste F-listed determinations and for identifying potential exposure concerns. However, the concentration of a constituent as shown on the SDS or in the Manufacturer's Specifications for a product will not likely be reflective of the concentration of a constituent in the waste. Please remember that 1 percent in a product equals 10,000 parts per million (ppm, mg/kg, mg/L).

Elaborating on Commercial Chemical Product or Manufacturing Chemical Intermediate and Off-Specification Commercial Chemical Products or Manufacturing Chemical Intermediates:

"Commercial Chemical Product or Manufacturing Chemical Intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure

grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient and having the generic name is listed in Hazardous Waste Rule 0400-12-01-.02(4)(d)5 or 6. It does not refer to a material, such as manufacturing products or process waste that contains a chemical substance in which the chemical is not the sole active ingredient. "Off-Specification Commercial Chemical Products or Manufacturing Chemical Intermediates" refers to "Commercial Chemical Product or Manufacturing Chemical Intermediate" which, if it met specifications, would have the generic name is listed in Hazardous Waste Rule 0400-12-01-.02(4)(d)5 or 6.

Elaborating on TCLP Analysis Required Wastes:

"TCLP Analysis Required Wastes" are defined as solid wastes that must be analyzed to determine if they exhibit the characteristics of toxicity using the TCLP, Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," *EPA Publication SW-846*. A solid waste exhibits the characteristic of toxicity and is a hazardous waste under Hazardous Waste Rule 0400-12-01-.02(3)(e) if the **TCLP extract** from a representative sample of the waste contains any of the contaminants listed in the Table 1 at the concentration equal to or greater than the Regulatory Limit (mg/L) in column 3. For the purpose of this document a TCLP liquid waste is a solid waste that contains less than 0.5 percent filterable solids and a Non-TCLP liquid waste is a solid waste that contains 0.5 percent or more filterable solids. TCLP analysis is not required if the generator has:

1. Adequate knowledge to demonstrate and/or **total** analysis (*EPA Publication SW-846* Test Method 1311) to demonstrate that none of the contaminants is at a **total** concentration (mg/kg for non-TCLP liquid waste) such that the waste could exhibit the characteristic of toxicity by exceeding the Regulatory Level in the Table 1 (Note: Because the TCLP method dilutes the sample for non-TCLP liquid waste by 20, if the **total** concentration (mg/kg) of a contaminant from the analysis of a representative sample of a non-TCLP liquid waste is less than the value listed in column 4, then the regulatory level in column 3 could not be exceeded for that contaminant.); and/or,
2. Adequate knowledge with appropriate documentation, that the concentration (mg/L) of a contaminant in the **TCLP extract** from analysis of a representative sample could not equal or exceed the Regulatory Level listed in column 3. (Note: After filtering TCLP liquid waste using the methodology outlined in Test Method 1311, *EPA Publication SW-846*, the remaining liquid is considered to be the **TCLP extract**.)

If the characteristics of a waste change due to any changes in the process generating the waste and/or any changes in the types or amounts of materials in the waste, a new evaluation and analysis will be required and must be conducted on the waste as discussed above.

- ¹ Please refer to DSWM Policy Number 026 concerning Petroleum Contaminated Soil and the rules and statutes cited therein.
- ² Please refer to DSWM Policies Numbered 025, 111, and 113 concerning PCBs and the rules and statutes cited therein, and EPA's October 24, 2012 memo addressing PCB Bulk Product Waste Reinterpretation.
- ³ Please refer to DSWM Policies Numbered 043, 087, and 118 concerning Friable Asbestos and the rules and statutes cited therein.
- ⁴ Please refer to DSWM Policy Number 016 concerning Medical Waste and the rules and statutes cited therein.
- ⁵ Please refer to DSWM Policy Number 126 concerning the Memorandum of Agreement between the Division of Radiological Health and DSWM and the rules and statutes cited therein.

TABLE 1				
1	2^A	3	4	5
Contaminant	CAS No.	Regulatory Level^B (mg/L)	20 Times the Regulatory Level for Totals Concentrations (mg/kg) in Solids	Hazardous Waste Code if Applicable
Arsenic	7440-38-2	5.0	100	D004
Barium	7440-39-3	100.0	2000	D005
Benzene	71-43-2	0.5	10	D018
Cadmium	7440-43-9	1.0	20	D006
Carbon tetrachloride	56-23-5	0.5	10	D019
Chlordane	57-74-9	0.03	0.6	D020
Chlorobenzene	108-90-7	100	2000	D021
Chloroform	67-66-3	6	120	D022
Chromium	7440-47-3	5	100	D007
o-Cresol ^C	95-48-7	200	4000	D023
m-Cresol ^C	108-39-4	200	4000	D024
p-Cresol ^C	106-44-5	200	4000	D025
Cresol ^C		200	4000	D026

TABLE 1, continued

1	2^A	3	4	5
Contaminant	CAS No.	Regulatory Level^B (mg/L)	20 Times the Regulatory Level for Totals Concentrations (mg/kg) in Solids	Hazardous Waste Code if Applicable
2,4-D	94-75-7	10	200	D016
1,4-Dichlorobenzene	106-46-7	7.5	150	D027
1,2-Dichloroethane	107-06-2	0.5	10	D028
1,1-Dichloroethylene	75-35-4	0.7	14	D029
2,4-Dinitrotoluene ^D	121-14-2	0.13	2.6	D030
Endrin	72-20-8	0.02	0.4	D012
Heptachlor (and its epoxide)	76-44-8	0.008	0.16	D031
Hexachlorobenzene ^D	118-74-1 3	0.13	2.6	D032
Hexachlorobutadiene	87-68-3	0.5	10	D033
Hexachloroethane	67-72-1	3	60	D034
Lead	7439-92-1	5.0	100	D008
Lindane	58-89-9	0.4	8	D013
Mercury	7439-97-6	0.2	4	D009
Methyl ethyl ketone	78-93-3	200	4000	D035
Nitrobenzene	98-95-3	2	40	D036
Pentachlorophenol	87-86-5	100	2000	D037
Pyridine ^D	110-86-1 3	5	100	D038
Selenium	7782-49-2	1.0	20	D010

Silver	7440-22-4	5.0	100	D011
Tetrachloroethylene	127-18-4	0.7	14	D039
Toxaphene	8001-35-2	0.5	10	D015
Trichloroethylene	79-01-6	0.5	10	D040
2,4,5-Trichlorophenol	95-95-4	400	8000	D041
2,4,6-Trichlorophenol	88-06-2	2	40	D042
2,4,5-TP (Silvex)	93-72-1	1	20	D017
Vinyl chloride	75-01-4	0.2	4	D043

^A Chemical abstracts service number.

^B See Table 1 in Hazardous Waste Rule 0400-12-01-.02(3)(e).

^C If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l and 20 times the regulatory level of total cresol is 4000 mg/l.

^D Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

Signature on File

Patrick J. Flood, PE, Director
 Division of Solid Waste Management
 pn135: Original

05-13-2016

Date



SWM-HWP-G-001- Hazardous Waste Determinations - 032520
Hazardous Waste Determination Matrix Guidance

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: 032520

SIGNATURES:

Signatures on file
Patrick J. Flood, Director, Division of Solid Waste Management

Janet Dutto, Drafter / Preparer

Richard A. Whitson, Reviewer

PURPOSE

The online Hazardous Waste Determination Matrix is an assistance tool to guide persons step by step through the questions and regulatory citations associated with the hazardous waste determination process. *The Matrix is only an assistance tool. The information provided by this tool is not intended to be all inclusive and is subject to change. This Matrix is not a substitute for evaluation of compliance in accordance with all applicable laws and regulations. It is the responsibility of the generator of a solid waste to determine if that waste is a hazardous waste.*

GUIDANCE

The Hazardous Waste Determination Matrix may be found online at <https://www.tn.gov/environment/program-areas/solid-waste/hazardous-waste-management/hw-determination-matrix.html>.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	032520	Initial

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**ASBESTOS CONTAINING WASTE MATERIAL DISPOSAL
POLICY**

Purpose

The purpose of this policy is to promote a consistent application of regulations and policy for dealing with the disposal of asbestos containing waste material (ACWM)(defined in DAPC Rule 1200-03-11-.02(1)(e)), which includes friable asbestos. This policy describes how the Memorandum of Agreement between the Divisions of Solid Waste Management (DSWM) and Division of Air Pollution Control (DAPC)(pn087) will be implemented by the DSWM Field Offices.

Background

Since 1990 the DSWM has been issuing “blanket” special waste approvals for ACWM disposal at landfills. A blanket special waste approval is possible because asbestos waste characteristics have minimal variance despite the frequency of disposal. Instituting a blanket special waste approval process for ACWM disposal helps increase the efficiency of the approval process at the Field Offices. Previous versions of this policy used the term friable asbestos in lieu of ACWM. However, DAPC Rule 1200-03-11-.02(5) and the Memorandum of Agreement (pn087) between the DAPC and DSWM establish disposal standards for ACWM. This term more completely describes asbestos waste than the term friable asbestos. ACWM, as defined in DAPC Rule 1200-03-11-.02(1)(e);

“means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this rule. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.”

Procedure

Field Offices will issue blanket special waste approvals to landfills in their region which request approval to accept ACWM for disposal, and which demonstrate the ability to comply with procedures specified in the Memorandum of Agreement (pn087) and this Policy. The blanket special waste approval must be recertified by the landfill every three (3) years.

The requesting landfill will give the Field Office at least 24-hour advance notice (not including Saturday or Sunday) prior to the receipt of the ACWM for DSWM personnel to observe the procedures used by the landfill. If the landfill demonstrates compliance with the Memorandum of Agreement and this Policy, then the Field Office will issue a blanket special waste approval that is effective for three (3) years.

The blanket special waste approval letter issued must incorporate the following:

1. The landfill must have a policy which requires the generator to provide them with advance notice of each shipment. The mechanism for this notice should be left up to the landfill and the generator.
2. Each shipment must be accompanied by the National Emission Standards for Hazardous Air Pollutants “Asbestos Waste Shipment Record” form (state form CN-1054)¹ or an equivalent record. The records must be available to DSWM staff for inspection.
3. All “Procedures for Disposal of ACWM”, from the Memorandum of Agreement (pn087) with the DAPC must be incorporated in the approval letter. This can be done by either attaching a copy of pn087 to the approval letter or citing the procedures verbatim in the approval letter.
4. Any special provisions for asbestos disposal which have been developed or deemed necessary for that specific landfill site.

Prior to the expiration of the blanket special waste approval for ACWM disposal, the landfill will certify to DSWM that it is in compliance with the requirements of the current Memorandum of Agreement (pn087) and this Policy. If the Field Office determines that the landfill is likely to maintain compliance with these requirements, based both on conditions then current and the observations made by Field Office staff during the three years, then it will issue a renewed blanket special waste approval for the following three (3) years. Landfills will not be subject to special waste fees, specified in DSWM Rule 0400-11-01-.07(2), as they are not the generator of the waste.

Footnote

¹ The State of Tennessee has four (4) local regulatory areas that oversee Air Pollution Control requirements; their respective programs are granted authorization (or are authorized) by the State of Tennessee Division of Air Pollution Control (DAPC). Each local air pollution regulatory program is required to follow all applicable DAPC Rules. Rule numbers and form numbers may vary between local air pollution regulatory programs; therefore, if applicable, please use the appropriate local air pollution regulatory authority’s form.

[Signature on File]
Patrick J. Flood, P.E., Director
Division of Solid Waste Management
pn043: Revision 3
Previous: June 1995

02-22-2016
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**BLANKET SPECIAL WASTE APPROVAL FOR
DISPOSAL OF NON-REGULATED ASBESTOS WASTE
POLICY**

Purpose

This policy establishes the requirements for disposal of non-regulated asbestos containing materials (ACM), often called non-friable asbestos. Since certain non-friable asbestos may become friable during demolition or renovation, the Division of Air Pollution Control (DAPC) must make the determination of whether or not a given ACM is a regulated material.

Background

This section is background information only and should not be used to make a regulatory determination on ACM as that determination is made by the DAPC. The most common source of ACM received at landfills is from demolition and renovation activities. ACM can broadly be placed in two categories, friable and non-friable. Friable ACM is any material containing more than 1 percent asbestos as determined using polarized light microscopy, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Non-friable ACM may be Category I or Category II. Category I includes materials such as asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products. Category I ACM rarely becomes friable. All other non-friable ACM are considered Category II non-friable ACM. Category II non-friable ACM is any other material that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. An example of Category II non-friable ACM is asbestos cement.

Under the Division of Air Pollution Control regulations, regulated asbestos containing material is defined as follows:

1. Friable ACM;
2. Category I non-friable ACM that has become friable;
3. Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abraiding; or,
4. Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of the demolition or renovation operations regulated by rule 1200-3-11-.02.

Blanket Special Waste Approval

Non-friable ACM that has been determined to be non-regulated ACM by the DAPC may be disposed at either a Class I, Class III, or Class IV landfill under a blanket special waste approval. The blanket special waste approval does not require a written approval subject to the following conditions:

1. The generator/transporter must notify the landfill that non-regulated ACM is being delivered and the generator must be able to document that the waste is non-regulated ACM;
2. Non-friable ACM must be handled in a manner that does not create visible emissions; and
3. The non-friable ACM should be covered and compacted with one foot of other waste or soil as soon as possible, but at least by the end of the day.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn118: Original

09/15/04
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**CONCRETE WASHOUT WASTE DISPOSAL
POLICY**

The Division of Water Pollution Control requires permits for industrial storm water discharge. This has resulted in concrete plants installing ponds for storm water retention and settling of solids.

The Division of Solid Waste Management does not regulate storm water ponds or concrete washout sites operated by ready-mix concrete plants in Tennessee. However, settled solids, once removed from the pond or basin would be considered a solid waste.

If the material is uncontaminated (e.g. petroleum contamination) and has no free liquids, it could be disposed of in a demolition landfill (Class IV facility) or used as fill material.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn045: Revision 1
Previous: September 1994

09-07-2001
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**EMERGENCY DEBRIS DISPOSAL
(STAGING AREA APPROVAL AND WASTE DISPOSAL)
POLICY**

Background

Occasionally the Division of Solid Waste Management (DSWM) must respond to the aftermath of natural disasters (tornadoes, floods, etc.) that leave large amounts of debris in their wake. What was once a house, office complex, warehouse, or other structure has been reduced to rubble. We are then asked to determine how to properly dispose of this waste. This policy is to help guide staff in responding to that question.

Staging Area Site Approval

Emergency cleanup that involves FEMA will often require selection and approval by SWM of a debris staging area in order for FEMA funding to be available to local government. The following procedures are typical. These steps may be taken at any time as part of an emergency preparedness plan by local government or immediately after a disaster.

1. Meet with county or municipal officials and contact the Division's Emergency Services Coordinator on possible sites.
2. Visit site(s) to determine suitability for temporary storage and/or processing of solid waste.
3. Determine potential issues/impacts based on site location, i.e. groundwater protection, wetlands, burning of debris, etc.
4. Prepare approval letter to the county or municipal official for the site which may include, but not be limited to, the following items:
 - a. Site name and location;
 - b. Site owner's name and address;
 - c. Site latitude and longitude;
 - d. Responsible party (county/municipality and contact);
 - e. Contact telephone number and address;
 - f. Waste to be managed as appropriate:
 - i. Household waste/garbage;
 - ii. Landscaping or land clearing waste;
 - iii. Construction/demolition debris;
 - iv. White goods;
 - v. Electronic wastes;
 - vi. Household hazardous waste; and
 - g. Estimated site closure date for removal of all collected waste.
5. Set a follow-up visit after site closure and prepare a closure letter.

Disposal

Natural disaster debris may include a variety of waste items that would individually have very different disposal criteria. Because of this fact, the disposal of emergency debris is not easily categorized into “neat” disposal scenarios. This policy will address several possible scenarios for emergency debris disposal that may be utilized (separately or in combination) in the aftermath of a natural disaster. These are:

1. Burning of Waste;
2. On-Site Disposal of debris; and
3. Off-Site Disposal.

Burning of Waste

The Division of Air Pollution Control (APC) guidance procedures allow open burning of certain storm debris (mostly wood debris) at both on-site and off-site (i.e. centralized) locations. Open burning guidelines encourage the separation and segregation of all materials that cannot be identified as “wood” or “wood waste” related debris generated by the disaster and subsequent cleanup activities. The guidance is designed to prevent the intentional open burning of otherwise prohibited materials such as “tires, asphalt singles, vinyl siding, garbage and similar materials.” There may be municipal or county fire department requirements to be met as well as the State Forestry burning regulations and requirements. The DSWM has sometimes been asked to evaluate the burn site for possible impacts related to ground water. The APC ‘Open Burning Process Guidance’ is found online at: http://www.tn.gov/environment/permits/flowcharts/air_OpenBurningGuidelines/index.shtml.

On-Site Disposal

DSWM rules 0400-11-01-.02(1)(b)3(v) and (vi) allow for the disposal of landscaping and land clearing wastes as well as construction/demolition wastes on the site of generation provided that the fill area is less than one acre in size.

It is the policy of DSWM to include building debris generated by natural disasters within the definition of “construction/demolition waste” (at rule 0400-11-01-.01(2)). There may be certain items found in this debris that are not normally found in construction/demolition waste. Therefore, every effort should be made to segregate and exclude certain waste streams. Items such as white goods (refrigerators, freezers, etc.), CRT’s (computer monitors, TV’s, etc) and brown goods (other electronics), must be separated out and disposed of at an appropriate disposal facility or recycled. Please note that such on-site disposal areas require review and approval from the Director and should also comply with applicable regulations for open dump closure at 0400-11-01-.04(8)(g).

Off Site Disposal

If at all possible, emergency debris waste should be directed to a permitted landfill. Sometimes, because of the volume of waste, the use of a permitted landfill is not a viable disposal option. In this case, an authorized representative of the proposed disposal area may submit a written request to the DSWM Director for permission to receive and dispose of the debris. Site disposal areas should also comply with applicable regulations for open dump closure at 0400-11-01-.04(8)(g).

Permitting

There have been occasions when permits have been issued following the establishment of an off-site emergency debris disposal facility. In these instances, the decision to issue a permit was determined by the size of the disposal area and the length of time the disposal activities took place. The decision to permit these disposal sites was made prior to the actual disposal action.

[Signature on File]

Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn117: Revision 1
Previous: June 2004

January 24, 2013

Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**DISPOSAL OF DEMOLITION DEBRIS GENERATED AS A
RESULT OF THE CLEANUP OF CLANDESTINE
METHAMPHETAMINE LABS
POLICY**

Purpose

This policy establishes the requirements for disposal only of demolition debris generated as a result of cleanup actions of clandestine methamphetamine labs (CML). The chemicals used in the illegal manufacturing of these drugs are sent to authorized RCRA Hazardous Waste facilities by the cleanup contractor and are not addressed under this policy.

Background

CML cleanups may involve the demolition of buildings used as living spaces or out buildings, as well as, the disposal of contaminated equipment and furnishings. The debris generated from these cleanups may include such items as carpeting, wallboard, wood, curtains, furniture, fixtures, clothing, and white goods that have been contaminated with volatile organic compounds (VOC), lead, mercury, iodine, phosphorous, acids and caustics. Sharps (e.g. hypodermic needles) may also be present in carpets, bedding and furniture. Limited amounts of asbestos containing material (ACM) and lead based paint debris may be present in some disposals.

Blanket Special Waste Approval

Given the nature of the contaminated material, the Division hereby grants a blanket special waste approval for demolition debris from CML cleanups to be disposed of at municipal solid waste Class I facilities with the following conditions:

1. The disposal facility must be notified prior to disposal that the debris was generated from the cleanup of a CML; and
2. All asbestos containing material, lead-based paint debris, and medical waste must be disposed according to DSWM policy guidelines.

Site Specific Special Waste Approval

Certain large CML cleanups that require TDEC oversight and/or involve the sampling and excavation of contaminated soil may require an individual special waste approval.

(Signature on File)
Mike Apple, Director
Division of Solid Waste Management
pn121: Original

03/30/05
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

LANDFILL DISPOSAL OF MEDICAL WASTES
POLICY

The following policy is to clarify the Division's guidance on the disposal of medical waste. It reflects changes made to the *Solid Waste Processing and Disposal Regulations* that became effective July 2000. This policy also replaces policies 15 and 16 in the *Solid Waste Program Policy and Guidance Manual*.

REGULATORY DEFINITION

Rule 0400-11-01-.01(2) defines medical waste as follows:

“Medical Wastes” means the following solid wastes:

- A. Wastes generated by hospitalized patients who are isolated to protect others from communicable diseases (see the U. S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals, July, 1983 for definition of diseases requiring such isolation).
- B. Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
- C. Waste human blood and blood products such as serum, plasma, and other blood components.
- D. Pathological wastes (i. e., tissues, organs, body parts, and body fluids) that are removed during surgery and autopsy.
- E. All discarded sharps (e.g., hypodermic needles, syringes, biological pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.
- F. Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to pathogens in research in the production of biological, or in the *in vivo* testing of pharmaceuticals.
- G. The following wastes from patients known to be infected with bloodborne disease:

Contaminated wastes from surgery and autopsy (e.g., soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable gloves, lab coats, aprons).

Wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposal equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and lab coats.

Discard equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents.

WASTE RESTRICTIONS

Rule 0400-11-01-.04(2)(k)4 provides for the following waste restrictions. As described below, certain categories of medical waste may not be disposed of in sanitary landfills or may be disposed of only after the waste has been treated or packaged in certain ways.

- (i) Sharps must be securely packaged in puncture-proof containers prior to landfilling.
- (ii) Cultures and stocks of infectious agents and associated biological must not be landfilled unless and until they have been treated (e.g., autoclaved, incinerated) to render them non-infectious.
- (iii) Human blood and blood products and other body fluids may not be landfilled. This restriction applies to bulk liquids or wastes containing substantive amounts of free liquids, but does not apply to simply blood – contaminated materials such as emptied blood bags, bandages, or “dirty” linens.
- (iv) Recognizable human organs and body parts may not be landfilled.

SPECIAL WASTE APPROVAL PROCESS

Medical waste, by definition at rule 0400-11-01-.01(2), is a “special waste” and must be managed as follows:

Untreated Medical Waste

Untreated medical waste requires special waste approval as set forth at rule 0400-11-01-.01(4). The Division believes that medical wastes can be landfilled without identifiable risk to public health or the environment if certain precautions are taken. In order to assure that this occurs, the practices listed below must be strictly followed.

Operating Restrictions – Medical wastes must be managed at the landfill in accordance with the following provisions:

1. Medical wastes must be transported to the landfill separately from other solid wastes and in securely tied plastic bags or other leak-proof containers. Sharps must be packaged in medical waste containers designed to prevent puncture. Cardboard boxes, garbage bags, and plastic beverage containers are not acceptable for this purpose.

2. The landfill operator must obtain advance notice prior to receiving a shipment of medical waste, or a routine delivery schedule must be established, such that the operator will have time to prepare to receive the waste.
3. The landfill operator must confine unloading and disposal operations to a specific area, separate from the normal working face.
4. Soil or an approved cover material must be placed on the medical waste prior to compaction.
5. Before the end of the operating day, there must be at least one foot of compacted soil or other approved cover material placed over all medical waste received that day.

It should also be noted that a special waste approval does not obligate the landfill operator to accept medical waste for disposal. The operator may refuse to accept such waste or impose additional conditions on the medical waste generator.

Treated (Rendered Non-Infectious) Medical Waste

Treated medical waste **will not require individual special waste approval**. The Division recommends that all medical wastes be incinerated, steam sterilized, or otherwise rendered non-infectious prior to disposal in Class I disposal facilities. It shall be the practice of the Division to consider treated (rendered non-infectious) medical waste as an approved special waste if the following conditions are met:

1. The waste is rendered non-infectious by sterilization techniques prior to disposal;
2. A written description of the treated medical waste must be provided to the disposal facility;
3. A written and signed verification must be provided to the disposal facility that the waste has been rendered non-infectious; and
4. All waste restrictions at rule 0400-11-01-.04(2)(k)4 are met. Sharps must be packaged in medical waste containers designed to prevent puncture. Cardboard boxes, garbage bags, and plastic beverage containers are not acceptable for this purpose.

If there is a change in either the medical waste description or the process that renders the medical waste non-infectious, a new waste description and verification must be submitted. These conditions may either be met by the medical waste generator or a commercial processing facility.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn016: Revision 1
Previous: June 1995

09-13-2000
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**PERMIT EXEMPTION FOR ONSITE INCINERATION OF
TAKE BACK PHARMACEUTICALS
POLICY**

Purpose

This policy addresses the permit exemption for on-site incineration of pharmaceuticals from take back programs operated by local governments.

Background

Pharmaceuticals that are unwanted by consumers are generally considered municipal solid waste. The small percentage of these pharmaceuticals that meet the definition of hazardous waste are considered household hazardous waste and exempt from the RCRA requirements. An EPA memorandum dated September 26, 2012 recommends that these wastes be incinerated.

Due to the concerns of pharmaceuticals entering the environment, the Tennessee Department of Environment and Conservation, in cooperation with local law enforcement, established a drug take back program. Some of these programs have drug terminator devices for the incineration of pharmaceuticals. These devices are typically mobile and do not meet the definition of a facility.

Permitting Exemption for On-Site Incineration

The Division has determined that onsite processing (incineration) of these take back pharmaceuticals is exempt from permitting requirements if:

1. The pharmaceuticals are collected from consumers who meet the household hazardous waste exemption or pharmaceuticals confiscated by law enforcement agencies; and
2. The small scale drug incineration devices are operated by local government agencies on their own property.

Ash Disposal

The ash generated by the mobile units must be disposed in a class I solid waste disposal facility. Special waste approval is not required for this waste since the amount generated is minimal.

(Signature on File)
Patrick J. Flood, PE, Director
Division of Solid Waste Management
pn133: Original

04/11/14
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**HOUSEHOLD PAINT MANAGEMENT REQUIREMENTS
POLICY**

Background

Tennessee's Household Hazardous Waste (HHW) Collection Program is sponsored by the Division of Solid Waste Management (DSWM). Unused paint constitutes approximately 50 – 60 % of the HHW received during collection events sponsored by the DSWM. Tennessee is authorized under TCA 68-211-829 to provide, through grants or services, for the collection of household hazardous waste if there are available funds to do so.

In order to provide a more consistent and year-round option for the management of this waste stream, the DSWM is encouraging local governments to manage waste paint. This document describes those practices local governments should take.

Collection

If at all possible, municipalities or counties should collect waste paint at facilities already permitted to handle solid waste. This could be convenience centers, transfer stations, solid waste processing facilities, or landfills. If this option is chosen, the permittee should request a modification to the existing permit to reflect the new activity. This modification will be considered a minor change and not subject to a fee.

If collection points at existing permitted facilities are not possible, an alternative collection point may be selected. These alternative sites may include recycling facilities or municipal maintenance shops. No permit will be required by this Division for these sites, however, all applicable laws and regulations must be considered in the site determination process. The DSWM office at the local Environmental Field Office should be aware of these locations.

Paint Handling and Processing

Household paint received at any municipal facility may be either donated for use or blended at the facility for reuse without a permit from this Division.

Household latex paint that is not reused may be solidified for disposal. This operation may be performed at an existing, permitted solid waste facility, such as a convenience center, transfer station, solid waste processing facility or landfill. If solidification is to be performed at a location that is not currently permitted, a separate permit-by-rule application must be submitted to SWM with the appropriate fee.

Household oil-based paint that is not reused may be placed in lined cubic yard boxes (supplied by the state's contractor) until picked up by the contractor for disposal.

Latex Paint Disposal

Solidified latex paint may be disposed of in a Class I Landfill without special waste approval if the following conditions are met:

- The paint is solely latex paint that is collected from households at municipal, i.e. city or county government, operated facilities.
- The paint is solidified with mulch, sawdust, or wood chips as described in the Solid Waste Assistance *Household Paint Management Guidance* document.
- The total volume shipped in one day is 40 cubic yards or less;

Solidified latex paint may only be disposed in a Class III or Class IV facility with written approval from the SWM field office. Any approval for disposal must include, at a minimum, the above conditions for disposal at a Class I facility.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn125: Revision 1
Previous: September 2006

[9-7-10]
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management
Solid Waste Assistance Program**

**HOUSEHOLD PAINT MANAGEMENT GUIDANCE
September 2006**

Background

The National Paint and Coatings Association (NPCA) estimate that there are 3 cans of leftover paint in every household in America. Managing this leftover paint can be a challenge for many counties and municipalities. Currently landfills and transfer stations in Tennessee will not accept individual paint cans that contain liquid paint. Paint in liquid form has the potential to leach out of landfills and septic systems into groundwater. The Division of Solid Waste Management (SWM) sponsors a safe alternative for disposal of paint through the Household Hazardous Waste (HHW) collection program. Currently paint constitutes 50-60 % of all materials collected at HHW events. In addition, latex paint is non-hazardous. Disposal is costly when processed through the Household Hazardous Waste Program. SWM has put together some options for county solid waste authorities to make it more convenient for citizens to dispose of their household paint in an environmentally safe manner. This document presents guidelines for paint pre-collection, exchange, consolidation, solidification and basic consumer tips for keeping paint out of the waste stream altogether. Through better management of paint, funds will be available to host events in more counties.

Pre-Collection

A paint pre-collection program is a county service to provide an environmentally safe method of disposing old paint (latex and oil-based) by collecting it at a secure site on a year-round basis. The county must check with the local SWM field office for any possible permit modification before starting the pre-collection process. The County must also notify the HHW program at the SWM Central office to discuss the program and plan for any disposal needs. If approved, paint pre-collection may take place at a sheltered convenience center, transfer station, recycling center, landfill building, or mobile collection center. For the safety of county workers, citizens, and state contractors, the following guidelines are put forth by SWM for counties that choose to pre-collect paint.

There must be enough employees on-site to assist with paint collection/exchange during operation hours.

Only collect household paints in quarts and in 1, 2, and 5-gallon containers. Collection should only be done in the original containers.

Do not collect aerosols, varnishes, thinners, stains, industrial coatings or any other household hazardous waste. These substances are hazardous and should only be handled by a certified hazardous waste handler under the right conditions.

Paint donors must sign-in listing their name, address, and number of cans of paint donated, certifying that the paint donated is not from a business or contractor. Pre-collection participants may also be included for HHW event participation numbers.

Paint may not be collected from any painting contractors or businesses. This paint is considered regulated waste, which falls outside the scope of the HHW collection program.

One week before the HHW collection event or when the county has collected a full load, the county must coordinate how the contractor will pick up the pre-collected oil-based paint.

Once paint is collected it must be separated according to type (latex or solvent based). The easiest way to identify the paint type is to read the label. The terms alkyd or oil-based refer to solvent based paint while water-based paint or water clean up refers to latex. Paint should be kept out of the elements and away from any heat sources. Paint should be left in original containers and neatly stacked in a storage container lined with plastic to avoid spills. Cubic yard boxes lined with plastic are recommended for storage purposes. These are available to your county from the HHW contractor.

Paint Exchanges and Reuse

Many times paint that is brought in to a pre-collection program is fairly new and still useful. In addition modern latex paint is not considered hazardous and can be safely reused. Consumers and other entities should use leftover paint in order to lower disposal costs. The easiest and least expensive method of reusing paint is through paint exchanges. Exchanging of leftover paint involves picking out the paint that is reusable and giving it in original containers to citizens or worthwhile organizations. In an effort to divert paint from the waste stream altogether, this section identifies some guidelines for making good paint available for reuse.

Find a Steady Market

The success of a paint exchange program depends largely on finding a market for leftover paint. It is important to advertise about the availability of post-consumer paint to county citizens and local non-profit organizations. It would be very worthwhile to create contacts with groups/organizations that would be regular customers of the paint. The following is a list of community organizations that may be a market for leftover paint.

Theater Groups, Fix-Up Projects, Anti-Graffiti Programs
Churches
Non-Profit Organizations (Boy/Girl Scouts, YW/YMCA, Salvation Army, Goodwill, Habitat for Humanity, 4-H Clubs)
Multi-family Housing Associations
Local, State and Federal Government Buildings and Maintenance Departments
Contractors
Parks, Schools, Colleges, and Universities
Military Bases, Prisons,
Property Management Companies, Fire Departments
Fairgrounds, Athletic Fields, Golf Courses, and Stadiums

Collecting and Sorting

Once a market has been found for leftover paint then the process of collection for reuse can take place. There are two separation schemes involved with the collection of paint for reuse. The first is to separate paint into usable or unusable. Leftover paint should carefully be inspected to determine if it is still usable. Paint is considered reusable if:

1. At least one-third of a gallon remains in the original container;
2. The label is still intact; and
3. The paint has not been frozen or contaminated.

Unusable latex paint should be solidified and thrown away. Unusable oil-based paint or any paint where the label is painted over or missing should be placed in lined cubic yard boxes provided by the HHW contractor. To schedule a pick up for oil-based paint contact the HHW Coordinator. Reusable paint (oil-based and latex) can be left in the original can and given away for reuse to homeowners or any of the organizations listed above. People will sometimes put other household waste in paint cans such as oil or waste cleaners. These substances can be hard to detect. Therefore, it is important to recommend that all paint given away be used on exterior surfaces. Picking out useable paint for reuse may dramatically decrease the amount of leftover paint entering the waste stream.

Paint Consolidation

Paint consolidation generally produces a relatively low-grade 100-percent recycled paint. Consolidated paint is suitable for non-critical projects such as graffiti abatement, barns, tree houses, garages, or a primer for larger paint jobs. Consolidation should be attempted only when a market has been found that will agree to take a large amount of paint. The paint would have to be separated into latex and solvent-based according to the label. Only the latex paint is considered applicable for consolidation. According to the NPCA latex paints are not hazardous and can be reused. Consolidation of solvent-based paint is not recommended because of complexities and incompatibilities. However, some counties have had success in consolidation of oil-based paint. For more information please contact the HHW Coordinator.

Consolidation requires a minimal amount of equipment and is relatively inexpensive. In order to make the paint more appealing for end users it is advised to separate colors into dark, light, and white. Colors that are alike should then be poured through a filter or a screen and into 5-gallon buckets. Care should be taken when mixing red paint with other colors due to its dominant nature. The paint should be stirred to obtain consistency and tested to ensure that the consolidated latex is not contaminated. If testing is not performed the consolidated paint should be labeled "For Outdoor Use Only". Facilities with adequate ventilation can be the site of paint collection and consolidation provided that the paint is kept out of the elements and away from heat sources. Empty paint cans are made of high quality steel. They should be recycled if they are empty and the paint residue is dry.

Paint Solidification

Paint solidification generally produces a large volume of paint related waste that ends up being land filled. The paint would have to be separated into latex and solvent-based according to the label. Only the latex paint is considered applicable for solidification. Containers filled with an absorbent material, such as shredded mulch, sawdust, or wood chips, may be used to accelerate the solidification process. Latex paint is not hazardous and can therefore be safely land filled once solidified. Solidification of

solvent-based paint is not recommended because of complexities and incompatibilities. Often empty and dry paint cans may be recycled with scrap metal.

Summary

By conducting paint pre-collection, exchange, consolidation, and solidification municipalities can decrease the amount of paint for disposal by 25% or more. The program can only be successful through adequate advertising and community participation. Once reusable paint is collected it should be made available for citizens and non-profit organizations. Paint exchanges and consolidation can be a great service to county citizens however they do require a small amount of effort and participation. The Division of SWM is constantly seeking programs to promote waste reduction. These programs should be successful if they are well managed and advertised.

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

PCB BULK PRODUCT WASTES
POLICY

Recent revisions to the federal TSCA regs make provisions for the disposal of certain non-liquid PCB bulk product wastes (a definition is included here as attachment 1) in Subtitle D solid waste landfills under specific conditions.

The appropriate portion of the TSCA regs, 40 CFR 761.62, breaks out PCB bulk product wastes into 2 separate groups. The first such group includes specifically listed materials plus non-listed materials which (when sampled in accordance with the protocols set forth at 40 CFR Part 761 Subpart 0) will leach PCBs at less than 10 micrograms per liter of water. The second group of PCB bulk product wastes includes all other materials meeting the definition of PCB bulk product wastes.

(A) Specifically described PCB bulk products, and generic PCB bulk products which will leach PCBs at less than 10 micrograms per liter:

According to TSCA, the following non-liquid PCB bulk product wastes can be placed into a non-hazardous waste landfill:

- (1) Demolition wastes from buildings and other man-made structures which were manufactured, coated or serviced with PCB containing materials (*excluding demolition debris from buildings or man-made structures which have been contaminated by PCB spills which have not been adequately "cleaned up"*),
- (2) Fluorescent light *ballasts*,
- (3) Automobile and household appliance shredder fluff (provided that any PCB transformers have been removed prior to the shredding),
- (4) Plastics, such as wire or cable insulation, casings from radios, televisions or computers, and furniture laminates,
- (5) Preformed or molded rubber parts and components
- (6) Applied dried paints, varnishes, waxes or similar coatings and sealants,
- (7) Caulking,
- (8) Galbestos, and
- (9) Additional PCB bulk product wastes may be disposed of in a non-hazardous solid waste landfill if that waste is sampled in accordance with 40 CFR Part 761 Subpart 0 and it can be shown that the waste leaches PCBs at <10 micrograms per liter of water

(using the TCLP protocol).

Any person disposing off-site of PCB bulk product waste regulated under the previous paragraph of this section at a waste management facility not having a commercial PCB storage or disposal approval must: 1) must apply for and receive written approval from the disposal facility for shipment of PCB bulk product wastes to that disposal facility, and 2) provide written notice of intention to ship PCB bulk product wastes to that facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The written notice shall state that the PCB bulk product waste may include components containing PCBs at ≥ 50 ppm based on analysis of the waste in the shipment or application of general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach <10 micrograms per liter PCBs (using the TCLP protocol).

(B) Other PCB bulk products not included in Section A above

Any person may dispose of PCB bulk product waste other than those described in the preceding section (such as paper or felt gaskets contaminated by liquid PCBs) in a facility that is permitted by this Division to manage municipal solid waste subject to 40 CFR Part 258 (Tennessee equivalent: Rule Chapter 0400-11-01), or facilities permitted, licensed or registered to manage non-municipal nonhazardous waste subject to 40 CFR 257.5 -.30 [which contain standards applicable to owners/operators of any non-municipal non-hazardous waste disposal unit that receives Conditionally Exempt Small Quantity Generator (CESQG) hazardous wastes], *provided that*:

- (1) The PCB bulk product waste is segregated from organic liquids disposed of in the landfill unit, and
- (2) Leachate is collected from the landfill unit and monitored for PCBs.

Any release of PCBs from the landfill (including, but not limited to leachate) must be cleaned up in accordance with 40 CFR 761.61 (included here as attachment 3).

Any person disposing off-site of PCB bulk product waste regulated under the requirements of this section at a waste management facility not having a commercial PCB storage or disposal approval must: 1) must apply for and receive written approval from the disposal facility for shipment of PCB bulk product wastes to that disposal facility, and 2) provide written notice of intention to ship PCB bulk product wastes to that facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream (as well as with each shipment thereafter). The written notice shall state that the PCB bulk product waste may include components containing PCBs at ≥ 50 ppm based on analysis of the waste in the shipment or application of general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach <10 micrograms per liter PCBs (using-the TCLP protocol).

Recordkeeping requirements (applicable to wastes described under both Sections A and B above):

Any person disposing of PCB bulk product waste must maintain a written record of all sampling and analysis of PCBs or notifications made for 3 years from the date of the waste's generation, and must make these records available to the Division/EPA upon request.

Net Impact on Tennessee’s Special Waste Approval Process:

In consideration of the above, the Division of Solid Waste Management will consider the disposal of materials meeting the definition of “PCB bulk product waste” and which satisfy the criteria described in Sections A and B of this document. This policy does not constitute a blanket, state-wide approval for PCB bulk product wastes: these materials are still fully subject to the Special Waste Approvals process on a case-by-case basis.

In evaluating a special waste request for PCB bulk product waste, DSWM representatives in the Environmental Assistance Centers should insure that appropriate waste handling and disposal techniques are incorporated into the special waste approval. For example, PCB bulk product waste should be managed in a manner which will not generate dust during handling/transport, and should be covered immediately to minimize the potential for surface water contamination.

Attachment 1:

40 CFR 761.3 of the Toxic Substance Control Act Regulations – Definitions:

PCB bulk product waste means waste derived from manufactured products containing PCBs in a non-liquid state, at any concentration at the time of designation for disposal was ≥ 50 ppm PCBs. PCB bulk product waste does not include PCBs or PCB Items regulated for disposal under Sec. 671.60(a) through (c) Sec. 762.61, Sec. 761.63, or Sec. 761.64. PCB bulk product waste includes, but is not limited to:

- (1) Non-liquid bulk wastes or debris from the demolition of buildings and other man-made structures manufactured, coated, or serviced with PCBs. PCB bulk product waste does *not* include debris from the demolition of buildings or other man-made structures that is contaminated by spills from regulated PCBs which have not been disposed of, decontaminated, or otherwise cleaned up in accordance with subpart D of this part.
- (2) PCB containing wastes from the shredding of automobiles, household appliances, or industrial appliances.
- (3) Plastics (such as plastic insulation from wire or cable; radio, television and computer casings; vehicle parts; or furniture laminates),- preformed or molded rubber parts and components; applied dried paints, varnishes, waxes or other similar coatings or sealants-, caulking; adhesives; paper; Galbestos; sound deadening or other types of insulation; and felt or fabric products such as gaskets.
- (4) Fluorescent light ballasts containing PCBs in the potting material.

PCB Item means any PCB Article Container, PCB Container, PCB Equipment, or or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn111: Original

06-07-1999
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**PCB CONTAMINATED SOIL
POLICY**

The purpose of this policy is to establish criteria for disposal of PCB contaminated soil and debris into Class I landfills.

The following is a guideline for the level of PCB cleanup in soil. These numbers are from the Division's State Remediation Section guidance document to establish no further action levels.

<u>Land Use</u>	<u>PCB Action Levels (PPM)</u>	
	(without cover)	(with 1 ft. of cover)
Residential	1	10
Industrial	10	25

PCB contaminated soil with greater than 50 ppm has to be managed in accordance with the Toxic Substance Control Act (TOSCA) regulations.

In consideration of the above, the Division of Solid Waste Management will consider the disposal of PCB contaminated soil in a Class I sanitary landfill with a composite liner system, if the level of PCBs are less than 50 ppm.

In evaluating a special waste request for PCB contaminated material the Field Office should insure that appropriate waste handling and disposal techniques are incorporated into the special waste approval. For example, contaminated soil should have a high enough moisture content not to generate dust during handling and should be covered immediately to minimize the potential for surface water contamination via runoff.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn025: Revision 1
Previous: November 1993

02-13-1996
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**PCB CONTAINING BALLASTS AND TRANSFORMERS
POLICY**

PCB-Containing Ballasts and Transformers

The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under 40 CFR Part 761, are exempt from regulation under Tennessee Rule 0400-12-01-.02(l)(h) and 40 CFR 261.8, when such wastes are hazardous only because they fail the test for the Toxicity Characteristic. To qualify for this exemption, the generator or owner or operator must be able to demonstrate that generation, accumulation, transportation, and destruction/disposal of the PCB containing wastes are **fully** controlled/regulated by TSCA. The Tennessee Solid Waste Program (non-hazardous) does not permit the disposal of PCBs of 50 ppm or greater in a Subtitle D Sanitary Landfill (excluding PCB bulk product wastes). PCBs of 50 ppm or greater are regulated under TSCA by the Environmental Protection Agency (EPA). PCBs of less than 50 ppm are not regulated under TSCA, except under special circumstances (i.e. dilution, used oil).

In Tennessee, for the latest information regarding certain types of PCB disposal in Subtitle D landfills, please contact the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, L & C Tower, 5th Floor, 401 Church Street, Nashville, TN 37243-1535, at (615) 532-0780.

For additional information or assistance from EPA Region 4, please contact the United States Environmental Protection Agency, Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303-3104, at (404) 562-8512 or the TSCA Hotline at (202) 554-1404 or [TSCA Hotline \(tsc hotline@epamail.epa.gov\)](mailto:tsc hotline@epamail.epa.gov).

[Signature on File] _____
Mike Apple, Director
Division of Solid Waste Management
pn113: Revision 1
Previous: July 1999

7-11-11 _____
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**REGULATORY STATUS FOR UST WASTES, TANK BOTTOMS
AND CONTENTS AND ABOVEGROUND PETROLEUM
PRODUCT STORAGE TANKS
POLICY**

In response to many questions, we have explored the issue of handling requirements for UST (debris and media), wastes generated in a product tank (tank bottoms); and tank contents (contaminated commercial chemical product which was a fuel to start) when they are recycled. It is our opinion that, while these are similar, and in some cases, related wastes, they require different, handling.

Rule 0400-12-01-.02(1)(b)2, states: “Materials are wastes if they are “abandoned” by being:

- (i) Disposed of; or
- (ii) Burned or incinerated;

Rule 0400-12-01-.02(1)(b)3(ii)(I), states: “Except as provided in part (II), materials listed in item (III) of this subpart are wastes when they are:

- I. Burned to recover energy;
- II. Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a waste).”

In the case of a UST corrective action, where the tanks are pumped and the entire contents returned to a refiner, distributor or fuel blender for use as a fuel, the above rule 0400-12-01-.02(1)(b)3(ii)(II) would apply. The commercial chemical product that is being removed was a fuel in the beginning. The water and/or sludge removed with the product would be contaminants, making the contents an off-specification commercial chemical product. Since this product never becomes a waste, it cannot be a hazardous waste.

In the case where an active petroleum tank that is to remain in use, has just the water an/or sludge pumped from it, but the product is left in the tank, the above rule would not apply. The water and/or sludge removed from the tank are not commercial chemical products and were never a fuel themselves, but are contaminants of the product. When these materials are removed a hazardous waste determination must be made on them. They are subject to the characteristics tests, including the D001 through D017 portion of the TCLP. Rule 0400-12-01-.02(1)(b)5(ii) reads: “The following materials are wastes, even if the recycling involves use, reuse, or return to the original process (described in items (i) (I) – (III) of this part):” Subitem (II) of this part reads: “Materials burned for energy recovery, used to produce a fuel, or contained in fuels;...” Based on these rules, if these materials (water and sludge described above) are hazardous, the generator must notify the department of their generation; they must be packaged and shipped according to DOT and FSC standards; a Uniform hazardous Manifest must be used; they must be transported by a hazardous waste transporter, permitted to transport in Tennessee; and they must be shipped in a permitted TSD or registered hazardous waste

fuel blender or burner. If shipped to a hazardous waste fuel blender or burner, the material must have a demonstrated energy value of 5,000 BTUs/pound.

The final category of wastes are media and debris. These wastes are contaminated ground water, soil, sand, etc.. Rule 0400-12-01-.02(1)(d)2 reads: “Wastes which are not a Hazardous Waste – The following wastes not hazardous wastes:

((viii) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristics of subparagraph (3)(e) of this Rule (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280 (as those Federal regulations exist on the effective date of this regulation).” This means that for media and debris to be excluded as a hazardous waste they must meet two tests:

1. They must pass the hazardous waste characterization tests including the D001 through D017 portions of the TCLP; and
2. They must be under the clean-up jurisdiction of the UST Program 40 CFR Part 280.

Media and debris that are not under the corrective action jurisdiction, or that fails the characteristics tests for anything other than D018 through D043 are not excluded from being a hazardous waste. They must be managed under all applicable rules of generation, notification, manifesting, transportation, reporting and treatment or disposal by a permitted TSD facility.

When UST wastes are handled on the site of generation, the UST rules apply exclusively. Debris that does not fail the test for hazardousness is still regulated by the Solid Waste Management, non-hazardous program and/or the UST program. See Department of Environment and Conservation memo of December 10, 1991, by Tom Tiesler and Chuck Head for details. For handling requirements for clean-up of non-UST releases, see Department Memo of August 26, 1992, from Tiesler.

Media (water) that fails the characterization tests, including D001 through D017 of the TCLP, must be managed as a hazardous waste, subject to all the Hazardous Waste Rules, and can only be treated by a permitted TSD facility; unless it is handled on the site of generation, or recovery, where off-site wells are being pumped to recover petroleum products that have migrated off-site, under a UST corrective action.

Some groundwaters are pumped from wells, treated and reinjected through a second well. These waters are excluded from regulation as a hazardous waste as long as the conditions of the following rule are met.

Rule 0400-12-01-.02(1)(d)2(viii), Reads: “Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in subparagraph (3)(e) of this rule that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transpiration spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993), only if operations are performed pursuant to a written state agreement issued under the Tennessee Water

Quality Control Act (T.C.A. 68-3-101 et. seq.) that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed.”

EPA released an explanation of the TCLP applicability to UST and aboveground petroleum product tanks, October 12, 1990. This document offers some interesting guidance. In regard to USTs it reads: “Contaminated unused products pumped from USTs, from which product can be recovered, is not a solid waste. Therefore, this material cannot be hazardous waste subject to the TC Rule. However, TC toxic wastewater and other residues generated by this recovery are subject to the TC Rule.”

The next paragraph of this document reads: “TC toxic residual materials that have not been pumped from USTs are subject to the TC Rule.”

Still another reads: “TC toxic wastewaters from aboveground petroleum storage tanks is subject to the TC Final Rule and must be managed as a hazardous waste.”

In Tennessee, anyone treating hazardous wastewaters not generated on-site by the treater will be required to have Interim Status or a full RCRA TSD facility permit. Recyclers of contaminated product not excluded under the TCLP will have to register with the Division of Solid Waste Management as a Recycler, obtain an EPA I.D. Number, notify on all hazardous waste streams generated by the recycling process, file Annual Reports, pay generator fees, and manage the hazardous wastes they generate in compliance with the appropriate rules.

This regulatory interpretation will supersede all previous interpretations on this subject, unless they are referenced in this interpretation.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn022: Original

09-28-1992
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

**DISPOSAL OF PETROLEUM CONTAMINATED
SOIL AND DEBRIS IN CLASS I LANDFILLS
POLICY**

The purpose of this policy is to establish the criteria which must be met in order for soil, gravel, and/or absorbent materials (soil/debris) which has been contaminated with petroleum products (e.g. gasoline, diesel, kerosene, fuel oils, new and used oils) to be approved for disposal only in a Class I (Subtitle D) landfill in Tennessee. Such contaminated soil/debris is considered a “special waste” under Tennessee Rule Chapter 0400-11-01, Solid Waste Processing and Disposal, and may only be disposed in a landfill in Tennessee under one of the following scenarios.

SPECIAL WASTE EXEMPTION – SMALL QUANTITIES

Soil/debris contaminated from a traffic accident spill that contaminates environmental media with less than twenty five (25) gallons of petroleum and the total amount of soil/debris is less than five (5) cubic yards per accident, are exempt from special waste approval if disposed of in a Tennessee Class I landfill (with the landfill’s permission). (See Division Policy 130.)

BLANKET SPECIAL WASTE APPROVAL

Class I landfills in Tennessee, unless they are under an enforcement order prohibiting the receipt of this waste, are granted blanket approval for soil/debris contaminated **only with transmission fluid, motor oil, and/or diesel** from traffic accident spills. De minimus amounts of motor coolant, battery acid and windshield washer fluid spilled from vehicles is allowable for landfill disposal under the blanket approval, but not if carried as cargo. Two conditions of this blanket approval are:

1. The generator signs a statement that the soil/debris is contaminated **only with transmission fluid, motor oil, and/or diesel** from a traffic accident; and
2. The landfill must maintain records of all petroleum contaminated soil/debris disposed under a blanket approval, including the generator statement required in item 1 above, the amounts disposed of for each accident, and the dates of disposal, for inspection by the Division.

SPECIAL WASTE APPROVAL

All petroleum contaminated soil/debris, not covered under exemption or a Class I landfill blanket approval described in the paragraph above is required to have individual special waste approval from the Division in order to be disposed in a Class I landfill,. To apply for special waste approval, a Special Waste Evaluation Application must be submitted to the Division together with the applicable fee. (Applicable analytical data requested in the application must also be submitted.) The following are the three categories for petroleum contaminated soil/debris not covered under the exemption or blanket approval and the special waste requirements:

1. **Soil/debris contaminated with diesel, kerosene, fuel oils, and/or unused oil.** There is no requirement for the sampling and analyses of soil/debris contaminated **only** with diesel, kerosene, fuel oils, and/or unused oil. However, the generator must state on the special waste application that the soil/debris is contaminated with diesel, kerosene, fuel oils, and/or unused oil and is not contaminated with PCBs or other material(s) with hazardous constituent(s). If the soil/debris is also contaminated with gasoline, this must be stated on the application and the analyses required in item 2 below must be performed and submitted with the application. If the soil/debris could contain PCBs, then it must be representatively sampled and the sample(s) analyzed for PCBs. If the concentration of PCBs is equal to or exceeds 50 mg/kg, then the waste cannot be disposed of as a special waste and must be managed in accordance with Toxic Substances Control Act (TSCA) and 40 CFR 761. If the soil/debris could contain other material(s) with hazardous constituent(s), then a hazardous waste determination must be made in accordance with Rule Chapter 0400-12-01, which may require sampling and analyses of representative samples of the soil/debris.

2. **Soil/debris contaminated with gasoline.** Soil/debris contaminated with gasoline must be representatively sampled and the sample(s) analyzed for benzene. If the total amount of benzene in any sample is equal to or exceeds 10 mg/kg, then the sample(s) must be subjected to the Toxicity Characteristic Leaching Procedure (TCLP) and the extract analyzed to determine the concentration of benzene. If the concentration of benzene in the TCLP extract is equal to or exceeds 0.5 mg/l, then the waste is a hazardous waste and cannot be disposed of as a special waste and must be managed as a hazardous waste in accordance with Rule Chapter 0400-12-01.

If the generator has reason to believe the soil/debris contaminated with gasoline contained lead, a representative sample of the waste must be analyzed for lead. If the total amount of lead in any sample is equal to or exceeds 100 mg/kg, then the sample(s) must be subjected to the TCLP and the extract analyzed to determine the concentration of lead. If the concentration of lead in the TCLP extract is equal to or exceeds 5 mg/l, then the waste is a hazardous waste and cannot be disposed of as a special waste and must be managed as a hazardous waste in accordance with Rule Chapter 0400-12-01.

The generator must state on the special waste application that the soil/debris is not contaminated with PCBs or other material(s) with hazardous constituent(s). If the soil/debris could contain PCBs, then it must be representatively sampled and the sample(s) analyzed for PCBs. If the concentration of PCBs is equal to or exceeds 50 mg/kg, then the waste cannot be disposed of as a special waste and must be managed in accordance with TSCA and 40 CFR 761. If the soil/debris could contain other material(s) with hazardous constituent(s), then a hazardous waste determination must be made in accordance with Rule Chapter 0400-12-01, which may require sampling and analyses of representative samples of the soil/debris.

3. **Soil/debris contaminated with used oil.** If the generator knows that the used oil does not contain PCBs and/or other material(s) with hazardous constituent(s), then no analyses is necessary. However, the generator must state on the special waste application that the used oil is not contaminated with PCBs or other material(s) with hazardous constituent(s). If the used oil could contain PCBs, then the soil/debris must be representatively sampled and the sample(s) analyzed for PCBs. If the concentration

of PCBs is equal to or exceeds 50 mg/kg, then the waste cannot be disposed of as a special waste and must be managed in accordance with TSCA and 40 CFR 761. If the used oil could contain other material(s) with hazardous constituent(s), then a hazardous waste determination must be made in accordance with Rule Chapter 0400-12-01 which may require sampling and analyses of representative samples of the soil/debris. (*Note: Hazardous constituents are listed in Appendix VIII of Tennessee Rule 0400-12-01-.02.*)

A description of acceptable analytical methods for the most common petroleum contaminants is as follows:

1. Benzene – The current EPA Test Methods 8020 or 8260 from EPA Publication SW-846, Test Methods or Evaluating Solid Waste, Physical/Chemical Methods or an equivalent test method preapproved by the Division.
2. TCLP – EPA Toxicity Characteristic Leaching Procedure Test Method 1311 from EPA Publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.
3. Lead – The current EPA Test Methods 6010, 7420 or 7421 from EPA Publication SW-846, Test Methods or Evaluating Solid Waste, Physical/Chemical Methods or an equivalent test method preapproved by the Division.
4. PCBs – The current EPA Test Method 8082 from EPA Publication SW-846, Test Methods or Evaluating Solid Waste, Physical/Chemical Methods or an equivalent test method preapproved by the Division.

[Signature on File]
Mike Apple, Director
Division of Solid Waste Management
pn026: Revision 4
Previous: January 2001

10-14-10
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**DELISTED WASTE IN CLASS I LANDFILLS
POLICY**

In order to prevent any confusion or inconsistencies by parties who either generate delisted hazardous waste or those who determine its disposal, the following policy shall be implemented effective April 15, 1999.

Beginning upon that date, this Division shall not issue a special waste approval letter for the disposal of delisted hazardous waste unless the proposed disposal site is a Class I landfill which is in compliance with Rule 0400-11-01-.04(4). Further, adequate documentation must also be submitted confirming the waste has been delisted.

By restricting this disposal to those Class I landfills, there will be greater assurance that the waste will be handled in an expeditious manner, placed within an approved, lined facility with leachate monitoring controls, and the appropriate closure/post-closure requirements will be in place.

You should contact any generators that you know are currently disposing of their waste in landfills which do not meet this condition and inform them of this policy.

The ultimate decision of whether or not to accept the waste will still, however, rest with the landfill operator.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn110: Revision 1
Previous: March 1999

03-18-1999
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

F003 SOLVENT STILL BOTTOMS
POLICY

The purpose of this memorandum is to explain how F003 solvent still bottoms were regulated in the past and how they are regulated now. I will also explain what we must do to implement the new regulations. Before we get into the new procedure, a re-examination of how we got to where we are currently is in order.

EPA defines the F003 listing in 40 CFR § 261.31 as:

“The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixture/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.”

Tennessee, in the regulations that became effective January 4, 1988, defined F003 as:

“The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above non-halogenated solvents; and still bottoms from the recovery of these spent solvents and spent solvent mixtures *unless the still bottoms no longer exhibit the characteristic of ignitability.*”

The portion of the above listing description in bold italics was not then, nor has it ever been, a part of EPA’s listing description. From that point until Tennessee’s regulations, with an effective date of May 3, 1993, were in place, Tennessee was less stringent on this listing than EPA. This difference was discovered during an evaluation of an application for program authorization. Tennessee at that point was required to change the listing back to its original wording. During the period between January 4, 1988, and May 3, 1993, many Special Waste Approvals were given for F003 still bottoms to go to Subtitle D landfills because the regulations indicated that to be an acceptable management practice.

All this was further complicated by the promulgation of final regulations by EPA, restricting the land disposal of certain spent solvents; F001, F002, F003, F004, and F005, with an effective date of November 7, 1986. Due to lack of national capacity for proper handling of these wastes, EPA delayed the effective date of the restrictions until November 8, 1988. During this two year period, solvent wastes could still go to a Subtitle C landfill.

Since the Tennessee listing description was made the same as EPA again on May 3, 1993, there has been too much focus on meeting the land ban treatment standards and not enough on the fact that the still bottoms are F003 listed hazardous wastes, and thus, cannot legally be sent to a Subtitle D facility. The listing attaches at the point the solvents became spent, and remains until the waste has gone through a formal delisting, regardless of whether or not the solvents exhibit any of the characteristics for which they were listed. Since Tennessee has not applied for, nor been granted authorization for, the delisting part of the program, the delisting would have to be obtained from EPA.

Thus we see that F003 still bottoms are listed hazardous wastes and they must be treated to the land ban treatment standard and must be disposed in a Subtitle C landfill.

The only exception to the above is provided in 40 CFR § 261.3(a)(1)(iii), incorporated by reference at Rule 0400-12-01-.02(1)(a), which reads:

“It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D of this part solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C of this part, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C of this part, or unless the solid waste is excluded from regulation under § 261.4(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in subpart C of this part for which the hazardous waste listed in subpart D of this part was listed. (However, nonwastewater mixtures are still subject to requirements of part 268 of this chapter, even if they no longer exhibit a characteristic at the point of land disposal).”

This exception means that F003 still bottoms could be mixed with solid waste (non-hazardous) to render the mixture not characteristically hazardous. It cannot be characteristically hazardous not only for the characteristic for which it was listed, but for all the characteristics, including all the parameters of TCLP. Once the mixture meets these criteria it could then be landfilled in a Subtitle D facility provided that: 1) the mixture meets the land disposal restrictions (LDR) treatment standards, and 2) has been granted a Special Waste Approval by the appropriate Field Office. It is the responsibility of the generator to demonstrate compliance with this exception.

Based on the above we must take two actions immediately: 1) No more Special Waste Approvals will be issued for F003 still bottoms to go to any Tennessee solid waste landfill, unless the generator can successfully demonstrate he can meet the exception above, and 2) those approvals that have been issued in the past must be rescinded. Each Field Office is to research their files and forward to the Waste Activity Audit Section, in the Central Office, a list of those people who have received approvals to dispose of F003 still bottoms in landfills and the amounts they are disposing of. This list is to be provided within 30 days of the date of this memo. This will enable us to stop this practice across the entire state at one time.

A copy of this memo may be given to anyone requesting it.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn098: Original

10-13-1995
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**SOLID RUBBER WHEELS DISPOSAL
POLICY**

The attached letters address the difficulty of landfill disposal of “solid rubber” wheels. This example should be used as guidance to evaluate such solid rubber wheels as special waste when in bulk quantity. Solid wheels that may fit this category could include:

- * tow motor wheels
- * lawn mower wheels
- * other industrial equipment wheels

Note that these and other solid rubber wheels are not typically able to be shredded. Further it is not necessary to shred them to effectively prevent floating in the landfill.

[Signature on File]
Doye Rowland, Program Development
Division of Solid Waste Management
pn034: Original

02-07-1995
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

WASTE TIRES AND PROBLEM WASTE COLLECTION SITES
POLICY

Tennessee Code Annotated, Section 68-211-866(b) requires that each county provide a site to receive and store waste tires, used automotive oils and fluids, and lead acid batteries, if adequate sites are not otherwise available in the County for the use of the residents of the County. Furthermore, Tennessee code annotated, Section 68-211-867(a) bans the acceptance of whole, unshredded tires for disposal after December 31, 1994.

There are several counties in Tennessee that have not provided for collecting waste tires. The January 1, 1995, ban on the landfilling of whole tires makes this an urgent matter.

The Division would like to point out that counties can comply with the waste tire requirement in several ways. The choices are:

1. Establish a waste tire collection site at a permitted Class I, II, or IV landfill facility. This site must comply with Rule 0400-11-01-.04(2)(k)3 covering the management of waste tires. A copy of the relevant part of this rule is attached for your information. (Note that after December 31, 1994, item (I) of the referenced rule is no longer valid. Whole waste tires may not be intentionally disposed of under any circumstances.)
2. Establish a permit by rule storage site at another location for waste tire collection. This site must also comply with the management provisions of Rule 0400-11-01-.04(2)(k)3. (Note that after December 31, 1994, item (I) of the referenced rule is no longer valid. Whole waste tires may not be intentionally disposed of under any circumstances.)
3. Establish a transfer station for the collection of waste tires only. This will enable you to place a hard-wall enclosed trailer that may be supplied by a private firm under contract to collect and remove the waste tires. Such a transfer station does not require a permit provided that:
 - (a) waste tires are only received from municipal or private collection vehicles and placed in another transportation unit, and
 - (b) there is no solid waste processing. If any processing such as compacting, baling, shredding or separation takes place, a processing permit will be required.
4. Demonstrate to the division that adequate waste tire collection sites are available in the county for use by residents. Such a demonstration would require the submission of an assurance contract similar to the enclosed sample.

Please contact your local Division of Solid Waste Management Field Office for information regarding the rules and regulations governing the above choices.

There may be facilities currently available in your county that can accept some or all of the other problem wastes listed in the statute. Tennessee Code Annotated, Section 68-211-608(b)(1) requires retailers who sell lead-acid batteries accept used-lead acid batteries as trade-in batteries. If requested, some of these retailers may not require the purchase of a new lead-acid battery before they will accept used lead-acid batteries from the public. Regarding used oil and other automotive fluids, there may also be retailers in your county that may accept these fluids from county residents. The Division of Solid Waste Assistance has a database which contains the names of many private firms that will accept these materials. Locations have been identified in ninety of Tennessee's ninety-five counties, and new locations are being added daily. Contact our office at 615-532-0091 to obtain this information. However, if none are currently available and the county has not applied for a used oil collection grant, your assistance may be required to assist us with contacting interested parties that may be willing to help concerning this matter.

In conclusion, the Division of Solid Waste Assistance continues to offer any assistance possible concerning this matter. Waste tire and used oil collection grants remain available to counties to assist with the development of these facilities. Please contact our office at 615-532-0091 to receive more information concerning this and other assistance that we may be able to provide.

[Signature on File]
Paul Evan Davis, Director
Division of Solid Waste Assistance
pn031: Original

11-29-1994
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**USED OIL FILTER RECYCLING AND DISPOSAL
POLICY**

Numerous questions have arisen concerning the disposal of used oil filters now that Tennessee has adopted the Toxicity Characteristics regulations. Outlined below are the options which generators may exercise in disposing of their used oil filters in Tennessee.

OPTION 1. RECYCLE THE OIL AND THE METAL FROM THE FILTERS

Used oil filters are exempted from regulation as a hazardous waste if both the metal from the filters and the used oil from the filters are recycled. To qualify for the scrap metal recycling exemption, free flowing oil must be removed from the filters through draining and crushing or disassembly of the filter prior to shipping to a metal recycler. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing, and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location. If the filter is disassembled, the remaining material is being granted a statewide special waste approval if the filter element is mechanically compressed to remove all free flowing oil and the oil is collected for recycling. The generator then certifies that the filter element and gaskets are nonhazardous and all free flowing oil has been removed. This certification is being accepted without TCLP testing based on published studies that have indicated that filters processed in this manner consistently pass the TCLP test.

OPTION 2. DRAIN AND CRUSH THE FILTERS, RECYCLE THE OIL AND DISPOSE OF THE FILTERS AS A SPECIAL WASTE IN ANY CLASS I LANDFILL

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been properly drained and crushed, eliminating all free flowing oil. This certification is being accepted without TCLP testing based on published studies that have found that filters processed in this manner consistently pass the TCLP test. The crushing removes approximately 88% of the oil from the filter, with only about one ounce of oil remaining in the fiber filter element. This eliminates the leakage of oil from the fiber after it has been placed in a landfill. If the filter is properly drained and crushed, then it may be disposed of in any class I Landfill (with or without a synthetic liner) that is permitted in Tennessee. The oil removed during draining and crushing must be collected and properly recycled. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location.

OPTION 3. PUNCTURE AND HOT DRAIN OR COLD DRAIN & DISPOSE OF AS SPECIAL WASTE IN A SUBTITLE D LANDFILL (SYNTHETIC LINER)

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been punctured and hot drained for a minimum of (12) hours, or cold drained for twenty-four (24) hours. This certification is being accepted without TCLP testing based on published studies that have found that filters processed in this manner consistently pass the TCLP

test. Hot draining is defined as when the filter is removed and the oil is drained at engine operating temperature. Cold draining is defined as when the draining begins at a temperature when the filter and oil are at less than engine operating temperature. At least one hole must be punctured in the dome end of the filter and the dome end pointed downward while being drained. Filters must be double bagged in 3mm (garbage) plastic bags and tied at the loose end prior to disposal. The oil removed during draining must be collected and properly recycled. Under the used oil recycling exemption, the physical processing of the filters (puncturing and draining and/or transporting) is not subject to regulation under the hazardous waste regulations. This option does not require that the filters be crushed as long as they are properly drained and disposed of in a permitted Class I landfill with a full Subtitle D synthetic liner and leachate collection system. Terne plated filters are not exempt under this approval and continue to be treated as a hazardous waste.

OPTION 4. DISPOSE OF THE FILTERS AS A HAZARDOUS WASTE

If a generator chooses not to recycle, crush, or puncture and hot or cold drain, then the filters are handled as a hazardous waste. Special waste approval will not be granted for filters that are not punctured and drained or drained and crushed. Any oil that drains from the filters must be disposed of as a hazardous waste if it is not recycled.

Should anyone wish to discuss this issue further, please contact the Used Oil Program at (615) 532-0780. Thanks for your cooperation in this matter.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn033: Revision 2
Previous: October 1995

10-15-1998
Date

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

WOOD WASTE – OPEN BURNING
POLICY

In accordance with T.C.A. 68-211-104(2) Tennessee Solid Waste Disposal Act “it shall be unlawful to burn solid waste except in a manner prescribed by the Department and the Tennessee Air Pollution Control Board”.

T.C.A. 68-201-115(c) Tennessee Air Quality Act states:

“The provisions of this part do not apply to emissions from any air contaminant source, as that term is defined in this part, which burns wood waste solely for the disposition of such wood waste.”

Rule 1200-3-4-.02(j) of the Tennessee Air Pollution Control Regulations defines wood waste as:

“any product which has not lost its basic character as wood such as bark, sawdust, chips and chemically untreated lumber whose ‘disposition’ by open burning is solely to get rid of or destroy.”

Rule 1200-3-4-.04(1)(e) further states:

(1) Open burning, as listed below, may be conducted without permits, subject to specified limitations and provided that no public nuisance is or will be created by such open burning. This grant of exception shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.

(e) Fires disposing of “wood waste” solely for the disposition of such wood waste as provided in T.C.A. 68-201-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

CONCLUSION

Open burning of solely natural wood waste as defined under the Tennessee Air Pollution Control Regulations is not within the statutory or regulatory purview of the Tennessee Department of Environment and Conservation. Persons inquiring as to this matter should be referred to the Tennessee Division of Air Pollution Control and other local authorities.

[Signature on File]
Tom Tiesler, Director
Division of Solid Waste Management
pn094: Original

06-24-1996
Date

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**WOOD WASTES FROM CHROMATED COPPER ARSENATE
(CCA) TREATED WOOD
POLICY**

Chromated Copper Arsenate (CCA) has been used as a preservative in treated wood for many years as a replacement for creosote. There are certain industries in Tennessee that use CCA treated wood in their manufacturing process. As a result, some of these industries generate large quantities of wood waste such as waste lumber, end cuts, and sawdust. For example, in East Tennessee an industry uses this wood in the production of outdoor furniture and generates approximately 600 tons/year of wood wastes.

This office has received documentation indicating sawdust from CCA contaminated wood waste may release chromium and arsenic levels that would cause the waste to be considered a characteristic hazardous waste, if not for the exemption found at rule 0400-12-01-.02(1)(d)2(iv).

The Division has, therefore, concluded that wood waste from affected industries should be considered a special waste and must be disposed of in a permitted Subtitle D Class I disposal facility. The wood waste is to be incorporated immediately into the working face at the landfill and may not be stored at the landfill. CCA wood wastes may not be used outside of the working face such as for a roadbed or similar use. The Division also recommends that loads of CCA sawdust be covered during transport to the landfill. By policy, the Division is granting an industry-wide special waste approval for these industries. The requirements for waste evaluation, special waste fees, and annual recertification are hereby waived.

It should be emphasized that the special waste designation only applies to CCA treated wood wastes generated as an industrial waste (Industrial waste as defined at rule 0400-11-01-.01(2)). This policy does not apply to homeowners or commercial/retail businesses such as hardware stores and construction sites.

(Signature on File)
Mike Apple, Director
Division of Solid Waste Management
pn119: Original

(11-7-01)
Date



**SWM-SWP-G-140- Storm Water Management and Sweeper Waste Disposal- 062918
Disposal of Solid Waste from Storm Water Management Devices and Road/Parking
Lot Sweepers Guidance**

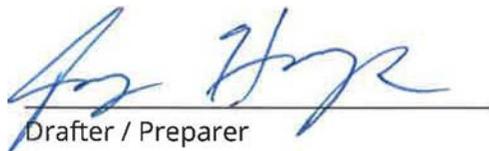
DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: June 29, 2018

SIGNATURES:


Division Director


Drafter / Preparer


Drafter / Preparer

PURPOSE

This guidance addresses the requirements for solid waste removed from storm water management devices that receive only storm water runoff and accumulate solids from storm water and from road/parking lot sweepers. This guidance does not address liquids or solids removed from sewers containing domestic sewage which is addressed in the Division of Solid Waste Management (DSWM) Domestic Sewage Exclusion Regulatory Clarification Guidance.

REGULATIONS

Naturally occurring soil, sand, rock, and water that have not been contaminated from waste, products or activities (i.e., do not contain solid waste) are not subject to regulation as a solid waste. Oil and other petroleum products in the runoff from road/parking lots and in road/parking lot

sweepings are examples of solid waste contaminants. contaminants can also come from industrial operations, spills, and disposal activities. Generators of all solid wastes (including liquids and soils containing solid waste contaminants) must determine if their generated solid waste is a hazardous waste in accordance

with Hazardous Waste Rule 0400-12-01-.03(1)(b) and maintain records in accordance with Hazardous Waste Rule 0400-12-01-.03(5)(a)3. If the solid waste is hazardous waste it must be managed in accordance with Hazardous Waste Rules (Chapter 0400-12-01). Solid waste, which is not a hazardous waste, must be managed in accordance with Solid Waste Rules (Chapter 0400-11-01) and must be processed or disposed of at a Tennessee permitted solid waste facility unless exempt from the permitting requirements. Rule 0400-11-01-.01(4)(c)1 [Special Waste Approval Process] requires, in part, persons who generate and wish to process or dispose of specific solid waste to make an application for waste evaluation. The DSWM provides clarification in Special Waste GUIDANCE (PN135) by identifying these solid wastes under ten Special Waste Evaluation Categories. Solid waste from storm water management devices falls under categories (c) and (i). Solid waste from road/parking lot sweepers falls under category (c)

GUIDANCE

Disposal of Solid Waste from Storm Water Management Devices

Solid waste removed from storm water management devices which manage only storm water are subject to regulation as a solid waste, and may be disposed of in a permitted **Class I Disposal Facility**¹ without submitting a special waste application for waste evaluation provided the following conditions apply:

1. The generating facility is not subject to a Tennessee Storm Water Multi-Sector General Permit For Industrial Activities under the Division of Water Resource's NPDES Storm Water Permit requirements²;
2. The storm water management devices only received routine storm water runoff containing no known contamination from spills³ or intentional disposal of petroleum, chemicals, etc.⁴; and

The material does not contain "free liquids" as defined by Method 9095 (Paint and Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846)..

¹ If the conditions are met for disposal in a permitted Class I Disposal Facility, then it may be received at a permitted Transfer Station prior to disposal at a permitted Class I Disposal Facility since this solid waste would not be a special waste.

² Solid waste generated at facilities subject to a Tennessee Storm Water Multi-Sector General Permit For Industrial Activities requires a hazardous waste determination and, if determined not to be a hazardous waste, will require an application to the Commissioner for a special waste evaluation

for approval to be disposed of in a permitted disposal facility. Refer to the DSWM’s *Special Waste GUIDANCE* (PN135).

³ For the purposes of this document, spills do not include the incidental leakage from motors, but do include releases from traffic accidents, vehicle maintenance, etc.

⁴ All spills or intentional disposal do require a hazardous waste determination. If the waste is determined not to be hazardous, the generator must submit a special waste application to the Commissioner for approval to dispose of their waste in a permitted disposal facility

Disposal of Solid Waste from Road/Parking Lot Sweepers

Solid waste removed from road/parking lot sweepers is subject to regulation as a solid waste and may be disposed of in a permitted **Class I Disposal Facility**¹ without submitting a special waste application for waste evaluation provided the following conditions apply:

1. The road/parking lot sweepings contain no contamination from any spill³ or intentional disposal of petroleum, chemicals, etc.⁴; and
2. The material does not contain “free liquids” as defined by Method 9095 (Paint and Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846).

If a generator wants to dispose of solid waste removed from storm water management devices or road/parking lot sweepers in a **Class II or III Disposal Facility**, then the generator must make application to the Commissioner for a special waste evaluation. Please refer to the DSWM’s *Special Waste GUIDANCE* (135).

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	06/29/18	Initial



SWM-SWP-G-130- Transportation Petroleum Spills -113017 Environmental Cleanup Guidance for Petroleum Transportation Spills

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: NOVEMBER 30, 2017

SIGNATURES:

Signatures on file
Division Director

Drafter / Preparer

Reviewer

PURPOSE

This guidance has been prepared by the Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), for the environmental cleanup of petroleum spills, including gasoline, diesel fuel, motor oil and transmission fluid, as the result of traffic accidents. **THIS GUIDANCE IS NOT EMERGENCY RESPONSE GUIDANCE.**

GENERAL INFORMATION

Petroleum spilled at a traffic accident is a hazardous material. The regulatory requirements for emergency responses to the release of hazardous materials, including who is in control and directs activities at these spill sites, is found in the Federal Regulations at 29 CFR 1910.120 as adopted pursuant to T.C.A. §50-3-201 by the Tennessee Department of Labor and Workforce Development. 29 CFR 1910.120 is interpreted and enforced by the Tennessee Division of Occupational Health and Safety (referred to as TOSHA- phone number 1-800-249-8510). DSWM personnel are not emergency responders. The situation can vary greatly from spill to spill, and the Local Incident Commander normally makes the final determination on what activities can be performed at the incident scene. Other safety factors, including but not limited to highway stability, traffic flow, and public utilities, also are taken into consideration. The Tennessee Department of Transportation (TDOT) (or equivalent county/city highway authority if not on an interstate or state route), other impacted property owners, public utilities, or other public agencies may prohibit or limit excavation activities.

GUIDANCE

The DSWM has established two categories for the environmental cleanup of petroleum spills as the result of traffic accidents. The first environmental cleanup guidance is for traffic accident spills contaminating environmental media with less than twenty five (25) gallons of petroleum. The second environmental cleanup guidance is for traffic accident spills contaminating environmental media with more than twenty five (25) gallons of petroleum. Contaminating environmental media is defined in this guidance as petroleum that spills directly onto and/or migrates from paved surfaces into gravel, soils, and/or water. Spills in Tennessee are to be reported to the Tennessee Emergency Management Agency (TEMA - 1-800-262-3300) which then notifies other state agencies such as the DSWM. *(Note: Spills that cause sheen on the surface waters require notification of TEMA and subsequently the Division of Water Resources.)*

Traffic Accident Spills Contaminating Environmental Media - Less Than Twenty Five (25) Gallons of Petroleum

29 CFR 1910.120 establishes the person who is in control at hazardous material spills and directs any actions that emergency responders take to stop the migration and for the cleanup of spilled petroleum. The owner and/or operator of the vehicle from which petroleum was spilled shall be responsible for the cleanup of the petroleum spilled from their vehicle. Notification of TEMA or the DSWM is not necessary for traffic accident spills that contaminate environmental media with less than twenty five (25) gallons of petroleum provided that the following can be safely conducted in accordance with 29 CFR 1910.120 *(Additional information is provided under GENERAL INFORMATION on page 1 and 2.):*

1. Absorb all liquid petroleum with an absorbent material as soon as safely possible (i.e. petroleum absorbents, diatomaceous earth, clay, etc.) *(Note: Absorbent material must be placed in compatible containers and closed or managed with contaminated gravel and/or soil excavated at the site.);* and,
2. Within twenty four (24) hours, if there is any visible petroleum contaminated gravel and/or soil and excavation can be performed safely and is authorized by TDOT (or equivalent county/city highway authority if not on an interstate or state route), any other impacted property owners, and public utilities (if present), then excavate visibly petroleum contaminated gravel and/or soil. The excavation of contaminated gravel and/or soil may be limited or not authorized due to structural issues, underground utilities, or other concerns. Excavation is normally the preferred response. If excavation is not appropriate, contact the DSWM Statewide Petroleum Incident Logging System (SPILS) unit at SPILS@tn.gov or 1-833-247-7745. *(Notes: Excavated petroleum contaminated gravel and/or soil must be placed in compatible containers and covered or placed directly into an appropriate transport vehicle. The contaminated gravel and/or soil may also be placed on plastic and covered with plastic, but this usually does not occur because the amount of contaminated gravel and/or soil, if any, is small and disposal or treatment is required in a short time frame.)*

Within two (2) weeks, the petroleum contaminated absorbent materials, gravel, and/or soil are to be disposed of in a Class I Landfill permitted in Tennessee or a similar facility in another state, with the permission of the landfill. If the contaminated absorbent materials, gravel and/or soil are disposed of in a Tennessee Class I Landfill (with the landfill's permission) and the total amount is equal to or less than five (5) cubic yards per accident, then special waste approval is not necessary. If the total amount is greater than five (5) cubic yards, then refer to the Material/Waste Management section on page 5 and 6. Another acceptable option is for the petroleum contaminated absorbent materials, gravel, and/or soil to be treated at a permitted facility that is authorized to treat such petroleum contaminated materials.

Traffic Accident Spills Contaminating Environmental Media - More Than Twenty Five (25) Gallons of Petroleum

29 CFR 1910.120 establishes the person who is in control at hazardous material spills and directs any actions that emergency responders take to stop the migration and for the cleanup of spilled petroleum. The owner and/or operator of the vehicle from which petroleum was spilled shall be responsible for the cleanup of the petroleum spilled from their vehicle. TEMA must be notified and will subsequently notify DSWM. A report detailing the response measures

taken must be submitted to DSWM’s SPILS unit. DSWM staff are not emergency response personnel, and TEMA will make the DSWM aware of the spill via the SPILS unit. The following should be conducted if authorized under 29 CFR 1910.120 (*Additional information is provided under GENERAL INFORMATION on page 1 and 2.*):

1. Absorb liquid petroleum with an absorbent material (i.e. petroleum absorbents, diatomaceous earth, clay, etc.) and/or collect liquid petroleum (*Notes: Absorbent material must be placed in compatible containers and closed or managed with contaminated gravel and/or soil excavated at the site. Collected liquid petroleum must be stored safely and securely in leak proof closed compatible containers.*);
2. As soon as safely possible and if authorized by TDOT (or equivalent county/city highway authority if not on an interstate or state route), any other impacted property owners, and public utilities (if present), excavate the visibly petroleum contaminated gravel and/or soil. The excavation of contaminated gravel and/or soil may be limited or not authorized due to structural issues, underground utilities, or other concerns. Excavation is normally the preferred response. If excavation is not appropriate, contact the DSWM [SPILS](#) unit at 1-833-247-7745. The DSWM SPILS unit will refer the spill site to the TDEC Division of Remediation, and it will no longer be managed under this guidance. The TDEC Division of Remediation may require additional cleanup, installation of a monitoring well(s) and/or risk assessment. (*Notes: It is advisable to screen the excavation site for hot spots with a monitor such as a photoionization detector to assist in determining if the petroleum contaminated gravel and/or soil has been removed prior to collecting samples. Excavated petroleum contaminated gravel and/or soil must be placed in compatible containers and covered or placed directly into an appropriate transport vehicle. The contaminated gravel and/or soil may also be placed on plastic and covered with plastic.*);

Confirmation samples are required to verify that any contamination that may remain is below the applicable no further action levels. Confirmatory sampling will be deemed to meet the requirements of DSWM regulations if sampling consists of taking three grab samples, two from the side walls and one from the bottom of the excavation, for each 200 square feet of excavation area. For releases to ditches, grab samples should be taken at the first visual impact, at the midpoint of the visual impact, and downgradient at the farthest visual impact and analyzed separately. Work plans for other confirmatory sampling programs may be submitted to the DSWM for review and approval. Samples must be collected in a manner to prevent cross contamination and stored at 4°C while being transported to the laboratory. Chain of custody forms shall be completed for all samples. Samples for gasoline and diesel spills shall be analyzed for benzene, toluene, ethylbenzene, total xylenes, methyl-tert-butyl-ether, and naphthalene. Samples for diesel spills must also be analyzed for extractable petroleum hydrocarbons. Samples for used motor oil and/or transmission fluid shall be analyzed for naphthalene and extractable petroleum hydrocarbons (EPH). Acceptable no further action levels (NFALs) for gravel and/or soil are:

CHEMICALS OF CONCERN	RESIDENTIAL SOIL NFALs* (mg/kg)	COMMERCIAL/ INDUSTRIAL SOIL NFALs* (mg/kg)	ANALYTICAL METHODS
Benzene	0.0729	3.8	8260B (EPA Publication SW-846)
Toluene	6.78	62.2	8260B (EPA Publication SW-846)
Ethylbenzene	143	1310	8260B (EPA Publication SW-846)
Total Xylenes	9.6	88	8260B (EPA Publication SW-846)
Methyl-tert-butyl-ether (MtBE)	39.6	364	8260B (EPA Publication SW-846)
Naphthalene	135	403	8260B (EPA Publication SW-846)
Extractable Petroleum Hydrocarbons	500	500	Tennessee Extractable Petroleum Hydrocarbons

** Commercial/Industrial soil NFALs apply to: 1. TDOT right of way property on the interstates; 2. TDOT or local government right of ways where the adjoining properties at the spill location are zoned for commercial or industrial purposes and there is no reason to conclude that the property is/or would ever be used for residences; and, 3. Other*

properties that are zoned for commercial or industrial purposes where there is no reason to conclude that the property is/or would ever be used for residences. Otherwise, the residential soil NFALs apply. The DSWM reserves the right to require residential soil NFALs based upon site specific conditions.

If the confirmation samples document any contamination remaining in the gravel and/or soil above the applicable NFALs and additional excavation is authorized by TDOT (or equivalent county/city highway authority if not on an interstate or state route), any other impacted property owners, and public utilities (if present), then additional gravel and/or soil must be excavated until confirmation sampling verifies that all remaining gravel and/or soil is below the applicable NFALs. If the applicable NFALs cannot be reached, then contact the SPILS Unit (1-833-247-7745 or SPILS@tn.gov) within one working day of the date after that determination was made. Spill sites with contamination above the NFALs will be referred to the TDEC Division of Remediation and no longer managed under this guidance. The TDEC Division of Remediation may require additional cleanup, installation of monitoring well(s) and/or risk assessment.

Material/Waste Management

Within fifty (50) days of all traffic accident spills contaminating environmental media with more than twenty five (25) gallons of petroleum, all free liquids must be sent for recycling or treatment at authorized facilities and all contaminated absorbent materials, gravel and/or soil must be disposed of or treated at authorized facilities. Collected liquid petroleum sent to be recovered and recycled at authorized facilities would not be a hazardous waste per Rule 0400-12-01-.02(1)(b)3. If the collected liquid petroleum is not going to be recovered, then a hazardous waste determination is required and, if hazardous, it must be managed as a hazardous waste with proper notification forms submitted to DSWM in accordance with Rule 0400-12-01.

All contaminated absorbent materials, gravel and/or soil must be disposed of in a Class I Landfill (with the landfill's permission) permitted in Tennessee or a similar facility in another state. The petroleum contaminated absorbent materials, gravel, and/or soil may also be treated at a permitted facility that is authorized to treat such petroleum contaminated materials. If the contaminated absorbent materials, gravel and/or soil are disposed of in a Tennessee Class I Landfill (with the landfill's permission) and the total amount is equal to or less than five (5) cubic yards per accident, then special waste approval is not necessary. Special waste approval is required for disposal of contaminated absorbent materials, gravel and/or soil greater than five (5) cubic yards per accident in a Class I Landfill permitted in Tennessee. However, Tennessee Class I Landfills may have blanket special waste approval for soil/debris contaminated **only with transmission fluid, motor oil, and/or diesel** from traffic accident spills as authorized in DSWM guidance for *Disposal of Petroleum Contaminated Soil and Debris in Class I Landfills 0*



SWM-SWP-G-117- Emergency Debris Management- 033021
Emergency Debris Management from Natural Disasters Guidance

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: 033021

SIGNATURES:

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PURPOSE

This guidance addresses emergency debris management from natural disasters (tornadoes, floods, etc.) that leave large amounts of debris in their wake.

SOLID WASTE STATUTORY CITATIONS

T. C. A. § 68-211-103(8) states:

“Solid waste” means garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal;

T. C. A. § 68-211-103(9) states:

“Solid waste disposal” means the process of permanently or indefinitely placing, confining, compacting, or covering solid waste;

T. C. A. § 68-211-104 states:

It is unlawful to:

- (1) Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of water quality, oil and gas;*
- (1) Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of energy and natural resources, created by § 69-3-104;*
- (2) Burn solid wastes except in a manner and under conditions prescribed by the department and the Tennessee air pollution control board;*
- (3) Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*
- (4) Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

T. C. A. § 68-211-815(b)(16) states:

Each Municipal Solid Waste Region shall have “a plan for managing solid waste generated as a result of disasters or emergencies.”

SOLID WASTE REGULATORY CITATIONS

Rule 0400-11-01-.02(1)(b)3(xv) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The storage of solid waste that is recyclable material incidental to its recycling, reuse, reclamation, or salvage provided that upon request of the Commissioner, the operator demonstrates to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and environment. Recyclable material may not be stored for more than one year without written approval from the Division.

Rule 0400-11-01-.02(1)(b)3(xvi) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The storage of solid waste incidental to its collection. (The storage of solid waste a permitted facilities and permit-by-rule facilities and storage in a manner constituting disposal are not exempt from permitting requirements).

Rule 0400-11-01-.02(1)(b)3(xviii) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The processing of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch.

Rule 0400-11-01-.09(3)(c)16 states:

Each plan and revised plan submitted by a municipal solid waste region shall include the following: ...

A plan for managing solid waste generated as a result of disasters or emergencies based, in part, upon the FEMA 325 Public Assistance Program.

GUIDANCE

Temporary Storage of Offsite Solid Waste Debris from Disasters

Emergency cleanup operations in conjunction with the Federal Emergency Management Agency (FEMA) involve the selection and approval, by the Division of Solid Waste Management (DSWM), of a debris staging area in order for FEMA funding to be available to local governments. Pre-approval of a temporary debris staging area can be received (see **Pre-Approval of Emergency Debris Staging Area** below for guidance relative to obtaining pre-approval and procedures relative to pre-approved sites). **In situations where pre-approval has not been received**, the following procedures are typical for selecting, siting, and approving of temporary staging areas. Local governments need to notify the DSWM as soon as possible after a disaster in order to expedite site approval and receipt of reimbursement funding. In addition, DSWM Environmental Field Office (DSWM EFO) staff and local governments need to take the following steps immediately after a disaster:

1. After a disaster, if the DSWM EFO has not been contacted by the impacted local government, DSWM EFO staff will contact county or municipal officials (Mayor, Solid Waste Director, etc.) in the impacted areas, inform them of this guidance, and offer assistance.
2. The responsible county or municipal official (Mayor, Solid Waste Director, etc.) should submit written documentation (e.g., letter or email) as soon as possible to the DSWM EFO requesting a site(s) be approved for temporary storage of solid waste generated from disaster recovery activities. Prompt notification will expedite site approval and facilitate receipt of reimbursement funding. For DSWM to quickly provide approval of the requested site, the letter or email needs to contain the following information:
 - Site name and location;
 - Site owner's name and address;
 - Documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner)
 - Site latitude and longitude;
 - Responsible party (county/municipality and contact);
 - Contact telephone number and address;
 - Waste to be managed such as:
 - i. Household waste/garbage;
 - ii. Landscaping or land clearing waste;
 - iii. Construction/demolition debris;
 - iv. White goods (refrigerators, freezers, etc.);
 - v. Electronic wastes;
 - vi. Household hazardous waste; and
 - The date that all waste will be removed from the site and properly disposed of or recycled.

3. DSWM EFO staff will visit each site that the responsible county or municipal official (Mayor, Solid Waste Director, etc.) has requested in the written documentation (e.g., letter or email) mentioned in Item 2 above. This visit by DSWM will be made to determine suitability of the site(s) for use as a temporary storage area(s) for disaster generated solid waste. During the visit, DSWM will identify potential environmental issues or impacts that may be present at the chosen site location (e.g., groundwater and surface water protection, wetlands, etc.). Please note that DSWM's approval of a site for temporary storage does not authorize violation of applicable federal, state, or local laws or regulations.
4. If DSWM EFO staff determine that a site(s) requested for the storage of disaster-generated solid waste is suitable (considering potential environmental issues and impacts based on site location, e.g. groundwater protection, wetlands, etc.), then the DSWM EFO staff will prepare a DRAFT approval package which will include:
 - A copy of the written documentation requesting approval of the disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner)
 - A map clearly identifying the location of the proposed site, and
 - A DRAFT approval letter for the Director's signature.

The draft approval package will be sent to a designated DSWM Central Office Solid Waste staff member for review prior to obtaining the Director's signature. The draft approval letter must include any conditions of temporary storage and the date provided by the responsible county or municipal official in the original request communication specifying when all waste will be removed from the site and properly disposed of or recycled.

5. Upon approval from the Director, the designated DSWM Central Office Solid Waste staff member will **immediately email and mail** the final approval package to the requesting county or municipal official, TEMA, and the appropriate DSWM EFO.
6. DSWM EFO staff will inspect the sites(s) to determine that all waste has been removed from the site and properly disposed of or recycled by the date specified in the approval letter signed by the Director.
7. Note that if additional time is required to remove the debris and close the site, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) may request an extension in writing (e.g., in the form of an email or letter) from the appropriate DSWM EFO manager. The extension is only granted if approved by the DSWM EFO manager in writing and is subject to any conditions in the approval.

Burning of Solid Waste Debris from Disasters

For information regarding the rules regarding burning solid waste from disasters please see the Division of Air Pollution Control's *Guidelines for Open Burning of Natural Disaster Debris which can be found on TDEC's website*. Please remember that other local burn permits may be required before any burning of material can take place.

Final Destination of Offsite Solid Waste Debris from Disasters

Any waste staged at a temporary DSWM-approved staging area should always be beneficially reused, recycled, or directed to a permitted landfill or other authorized solid waste facility (i.e., Transfer Station, Processing Facility, etc.). The beneficial use of a solid waste requires separate approval from DSWM. DSWM Policy PN028 - Beneficial Use of a Solid Waste describes the procedure for obtaining a beneficial use approval.

DSWM interprets building debris generated by natural disasters within the definition of "construction/demolition waste" as defined by Rule 0400-11-01-.01(2). There may be certain items found in this debris that are not normally found in construction/demolition waste. Therefore, every effort should be made to segregate and exclude waste inconsistent with the definition. Items such as white goods (refrigerators, freezers, etc.), cathode-ray tubes (CRTs) (computer monitors, TV's, etc.), and brown goods (other electronics) must be separated out and disposed of at an appropriate disposal facility or recycled. Furthermore, Rule 0400-11-01-.02(1)(b)3(xiii) only allows the use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.

Pre-Approval of a Temporary Emergency Debris Staging Area

Local governments may receive pre-approval of a temporary emergency debris staging area. The following describes two options under which such pre-approval can be requested by a local government, including through 1) a disaster debris management plan or 2) a pre-approval request. Following a description of the two options are the steps a local government and DSWM staff should take to ensure the use of a pre-approved temporary emergency debris staging area is accounted for, including any necessary amendments to the pre-approval, and recognized for receipt of reimbursement funding from FEMA.

Disaster Debris Management Plan

Tennessee Code Annotated section 68-211-814 states "each municipal solid waste region shall submit its plan [municipal solid waste region plan] to the department of environment and conservation by July 1, 1994." This statute requires the plan be formulated in strict compliance with Tennessee Code Annotated section 68-211-815 and requires that TDEC approve the plan if it adequately addresses each element required by Tennessee Code Annotated 68-211-815. Tennessee Code Annotated section 68-211-815(b)(16) requires that the municipal solid waste region plan include a plan for managing solid waste generated as a result of disasters or emergencies.

To assist in developing a debris management plan that satisfies the requirements of Tennessee Code Annotated section 68-211-815(b)(16), TDEC developed a disaster debris management planning tool in partnership with the Department of Transportation, Department of Agriculture, Division of Forestry, and the Tennessee Emergency Management Agency. This tool, found on TDEC's website, addresses temporary debris management sites, including the identification of locations for temporary disaster debris management.

Plans for managing solid waste generated as a result of disasters or emergencies that are a part of a TDEC-approved municipal solid waste region plan may serve as pre-approval of a temporary emergency debris staging area.

Pre-Approval Request

Local governments may request pre-approval of a temporary emergency debris staging area by sending in a **pre-approval request** to the appropriate DSWM EFO. A responsible county or municipal official (Mayor, Solid Waste Director, etc.) may send the request (e.g., letter form) for consideration at any time prior to a natural disaster. At minimum, the pre-approval request should include the following information:

- Site name and location;
- Site owner's name and address;
- If the site owner is a person or entity other than the local government, documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
- Site latitude and longitude;
- Responsible party (county/municipality and contact);
- Contact telephone number and address;
- Potential waste to be managed, such as:
 - vii. Household waste/garbage;
 - viii. Landscaping or land clearing waste;
 - ix. Construction/demolition debris;
 - x. White goods (refrigerators, freezers, etc.);
 - xi. Electronic wastes;
 - xii. Household hazardous waste; and

Following the receipt of the pre-approval request, DSWM EFO staff will take the following steps:

1. DSWM EFO staff will visit each site that the responsible county or municipal official (Mayor, Solid Waste Director, etc.) has requested in the written documentation (e.g., letter or email) mentioned in Item 2 above. This visit by DSWM will be made to determine suitability of the site(s) for use as a temporary storage area(s) for disaster-generated solid waste. During the visit, DSWM will evaluate whether any potential environmental issues or impacts may be present at the chosen site location (e.g., groundwater and surface water protection, wetlands,

etc.). Please note that DSWM's approval of a site for temporary storage does not authorize violation of applicable federal, state, or local laws or regulations.

2. If DSWM EFO staff determine that a site(s) requested for the storage of disaster-generated solid waste is suitable (considering potential environmental issues and impacts based on site location, e.g. groundwater protection, wetlands, etc.), then the DSWM EFO staff will prepare a DRAFT approval package which will include:
 - A copy of the written documentation requesting approval of the disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - A map clearly identifying the location of the proposed site; and
 - A DRAFT approval letter for the Director's signature.

The draft approval package will be sent to a designated DSWM Central Office Solid Waste staff member for review prior to obtaining the Director's signature. The draft approval letter must include any conditions of temporary storage.

3. Upon approval from the Director, the designated DSWM Central Office Solid Waste staff member will **immediately email and mail** the final approval package to the requesting county or municipal official and the appropriate DSWM EFO.

Accounting for the Use of a Pre-Approved Temporary Site

To ensure that the use of a pre-approved temporary site is accounted for, including any necessary amendments to the pre-approval, and, thus, recognized for receipt of reimbursement funding from FEMA the following procedures should be followed:

1. After a disaster, if the DSWM EFO has not been contacted by the impacted local government, DSWM EFO staff will contact county or municipal officials (Mayor, Solid Waste Director, etc.) in the impacted areas, to confirm whether a pre-approved temporary site(s) will be used and whether the language in the pre-approval needs to be amended to document updates or additions to the original pre-approval.
2. Following this initial contact, to formally document the use of a pre-approved site and any necessary updates or additions to the pre-approval, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) should submit written documentation (e.g., letter or email) to the DSWM Field Office confirming that a pre-approved temporary site will be used and indicate whether any items in the pre-approval need to be amended or added, including, but not limited to the following:
 - Site name and location;
 - Site owner's name and address;

- If the site owner is a person or entity other than the local government, documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - Site latitude and longitude;
 - Responsible party (county/municipality and contact);
 - Contact telephone number and address;
 - Waste to be managed such as:
 - i. Household waste/garbage;
 - ii. Landscaping or land clearing waste;
 - iii. Construction/demolition debris;
 - iv. White goods (refrigerators, freezers, etc.);
 - v. Electronic wastes;
 - vi. Household hazardous waste; and
 - The date that all waste will be removed from the site and properly disposed of or recycled.
3. If the written documentation submitted includes updates (e.g., the size of the temporary debris site is increased) or additions (e.g., includes a new waste to be managed at the site), DSWM EFO staff may need to conduct a site visit to evaluate whether potential environmental issues or impacts may be present at the chosen site (e.g., groundwater and surface water protection, wetlands, etc.). Please note that DSWM's approval of a site for temporary storage does not authorize violation of applicable federal, state, or local laws or regulations.
4. After reviewing the submitted documentation confirming that a pre-approved temporary site will be used, whether updates or additions to the pre-approval are needed and conducting a site visit as needed based on updates and additions, the DSWM Field Office staff will prepare a DRAFT approval package which will include:
- A copy of the written documentation requesting use of the pre-approved disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - A map clearly identifying the location of the proposed site; and
 - A DRAFT approval letter for the Director's signature.

The draft approval package will be sent to a designated DSWM Central Office Solid Waste staff member for review prior to obtaining the Director's signature. The draft approval letter must include any conditions of temporary storage and the date provided by the responsible county or municipal official in the original request communication specifying when all waste will be removed from the site and properly disposed of or recycled.

5. Upon approval from the Director, the designated DSWM Central Office Solid Waste staff member will **immediately** email and mail the final approval package to the requesting county or municipal official and the appropriate DSWM EFO.

6. DSWM EFO staff will inspect the sites(s) to determine that all waste has been removed from the site and properly disposed of or recycled by the date specified in the approval letter signed by the Director.
7. Note that if additional time is required to remove the debris and close the site, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) may request an extension in writing (e.g., in the form of an email or letter) from the appropriate DSWM EFO manager. The extension is only granted if approved by the DSWM EFO manager in writing and is subject to any conditions in the approval.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	06/2004	Initial
1	01/24/2013	General Revisions and Clarification
2	MMDDYY	Updated for organizational changes and BOE Policy – Include statutory citations - General Revisions and Clarification

APPENDIX: ARCHIVED POLICIES

The following policies have been archived because they are either no longer used by the Division or have been incorporated into other policies.

Policy	Policy Title
pn003	DSWM Region Contact Map (Online Contacts at Department Webpage)
pn015	Medical Waste – Non-Infectious Disposal (Incorporated with Policy 16)
pn017	Executive Order 33 – Moratorium on Medical Waste Incinerators
pn018	Executive Order 32 – Moratorium on Permitting Medical Waste Processing Facilities
pn019	Permit By Rule Application for Treatment of Petroleum Contaminated Soils
pn020	TDOT Guidance Request – Contact With Contaminated Construction Areas
pn021	Management of Petroleum Contaminated Soil from Leaking UST Sites
pn023	Petroleum Contaminated Sites
pn024	Petroleum Contaminated Soils at Permit By Rule Facilities
pn027	California GC Method for TPH Attachment
pn029	Contaminated Media Remediation Levels Memo
pn032	Liquid Restrictions Policy at Disposal Facilities/Units
pn035	Solid Rubber Wheels – Special Waste Inquiry Letter
pn036	Solid Rubber Wheels – Response Letter
pn037	Fluorescent Lamp, Ballasts, and Transformers
pn038	Mercury Containing Lamps and Lighting Ballasts
pn039	Fluorescent Light Recyclers
pn041	Disposal of Food Waste in Containers – Large Quantity Disposal
pn042	Food Product Commercial Solid Waste Letter
pn044	Concrete – On-Site Settled Solids Letter (Stormwater Issue)
pn046	Disposal of Concrete Washout Material Letter
pn047	Disposal of Hardened Concrete Letter
pn048	Tire Questions Letter
pn049	Foundry Sands – Reclamation of Surface Mines
pn058	Transfer of Registration (Moved Online to Permitting Forms)
pn068	Closed Landfills – Reopening
pn071	Applicability of the “Jackson Law”
pn076	CQA Inspection Checklist Form (Now managed as a form)
pn077	Policy and Procedure for Collection of Accounts Receivable
pn078	Collection of Accounts Payable and Receipt of Fees
pn079	Receipt of Fees
pn080	Penalty and Interest Procedures
pn081	Disposal Fee For Tires
pn085	DWPC and DSWM Sewage Sludge MOU
pn088	Landfill Disposal of Mercury Containing Lamps and Batteries
pn090	Application of Health Based Levels
pn091	Beneficial Use of Nontoxic Spent Foundry Sand

pn092	Disposal of Special Waste in Class III and IV Disposal Facilities
pn093	Fly Ash/Bottom Ash Variance for Class II
pn099	Expiration Date For Operator Certification (Incorporated into pn103)
pn100	Local Government Approval
pn105	Annual Special Waste Recertification & Re-evaluation in Three Years
pn107	Ground Water Classification Procedure at Petroleum Contaminated Sites
pn108	Analytical Methods for Use at Petroleum Contaminated Sites
pn112	Mercury Containing Lamps (Rescinded 01/01/2011)
pn122	Permit By Rule Status For Recycling Facilities
pn129	Local Government Approval for Permit-By-Rule Coal Ash Fill Facilities
pn130	Environmental Cleanup Guidelines for Transportation Related Petroleum Spills