

Sunset Public Hearing Questions for  
**Underground Storage Tanks and Solid Waste Disposal Control Board**  
 Created by Section 68-211-111, *Tennessee Code Annotated*  
 (Sunset Termination June 2018)

1. Provide a brief introduction to the Underground Storage Tanks and Solid Waste Disposal Control Board, including information about its purpose, statutory duties, staff, and administrative attachment.

**The primary duties of the Underground Storage Tanks and Solid Waste Disposal Control Board (UST-SWDCB, the Board) are promulgating rules and hearing appeals pertaining to enforcement actions and permitting matters. The Board also acts in an oversight role over the Tennessee Department of Environment and Conservation's Division of Underground Storage Tanks (UST), Division of Solid Waste Management (DSWM) and Division of Remediation (DoR) by receiving and reviewing reports regarding permitting activities, enforcement activities, site clean-up activities, and other Division matters of interest. Board meetings also provide a forum for the general public to provide their input on pertinent Division activities of interest. The Director of the DSWM serves as Technical Secretary for the Board. Additional staff assists with administrative support tasks necessary for the Board to fulfill its responsibilities. Tenn. Code Ann., Title 68, Chapter 211, Parts 1, 8 and 9, that enumerates the Board's duties, also gives a number of functions to the TDEC Commissioner such as making decisions on permit applications and issuing enforcement orders.**

2. Provide a list of current board members and describe how membership complies with Section 68-211-111, *Tennessee Code Annotated*. Who appoints members? Are there vacancies on the board? If so, what steps have been taken to fill the vacancies?

**Please see below. The Governor appoints 12 members to the Board, and the Commissioners of TDEC and ECD are ex-officio members. Board appointments conform to Tenn. Code Ann. § 68-211-11 regarding the designated interests served.**

<b>Member</b>	<b>Term Expires</b>	<b>Representation</b>
<b>Jimmy West</b>	<b>Ex-Officio</b>	<b>Commissioner's Designee, ECD</b>
<b>David Martin</b>	<b>09-30-2017</b>	<b>Farm Bureau</b>
<b>Kenneth L. Donaldson</b>	<b>09-30-2020</b>	<b>Tennessee Municipal League (City Government)</b>
<b>Stacey Cothran</b>	<b>09-30-2019</b>	<b>Solid Waste Management (Industry/Business)</b>
<b>Mark A. Williams</b>	<b>09-30-2020</b>	<b>Tennessee Automotive</b>

		Association (Small generator of solid or hazardous wastes)
<b>George Hyfantis, Jr. Ph.D., P.E.</b>	<b>09-30-2018</b>	Faculty from institute of higher learning (Registered engineer or geologist or qualified land surveyor)
<b>Richard Patrick "Ric" Morris</b>	<b>09-30-2020</b>	TN Chamber of Commerce and Industry (Private Petroleum Concern)
<b>Jared L. Lynn, P.E</b>	<b>09-30-2017</b>	TN Chamber of Commerce and Industry (Manufacturing)
<b>Marty Calloway</b>	<b>09-30-2018</b>	TN Fuels and Convenience Store Association (Private Petroleum Concern)
<b>Chuck Head</b>	<b>Ex-Officio</b>	Commissioner's Designee, TDEC
<b>Alan Leiserson</b>	<b>09-30-2019</b>	TN Environmental Council (knowledge of solid/hazardous wastes)
<b>Mayor Howard Bradley</b>	<b>09-30-2019</b>	Tennessee County Services Association (County Government)
<b>DeAnne Redman</b>	<b>09-30-2017</b>	TN Petroleum Council (Petroleum Management Business)
<b>Beverly Philpot</b>	<b>09-30-2018</b>	TN Chamber of Commerce and Industry (Manufacturing)

3. *Tennessee Code Annotated*, Section 68-211-111(g) requires the board to hold at least four (4) regular meetings each calendar year. How many times did the board meet in fiscal years 2016 and 2017, and how many members were present at each meeting?

**Attendance for the following meetings:**

**FY15-16: (July 2015-June 2016)**

Aug. 2015 Mtg -12 Members Present  
Dec. 2015 Mtg -12 Members Present  
Feb. 2016 Mtg -11 Members Present  
Apr. 2016 Mtg -12 Members Present  
June 2016 Mtg -12 Members Present

**FY16-17: (July 2016-June 2017)**

Oct. 2016 Mtg -10 Members Present  
Dec. 2016 Mtg -12 Members Present  
Feb. 2017 Mtg -11 Members Present  
May 2017 Mtg -11 Members Present

4. What per diem or travel reimbursements do board members receive?

**Board Members continue to receive \$50.00 stipend for the performance of Board-related duties. Per the Department of Finance and Administration Comprehensive Travel Regulations (Policy 8), covered expenses include \$50 for each meeting attended, in addition to travel reimbursements at a rate of \$0.47 cents per mile and accompanying expenses for parking and overnight travel, once submitted.**

How much was paid to board members in fiscal years 2016 and 2017?

**FY15-16:**

- In-state Mileage - \$3,981.02
- In-state Meals - \$1,020.67
- In-state Lodging - \$2,356.71
- In-state Travel Other - \$525.00
- Stipend - \$2,906.59
- Total - \$ 10,789.99

**FY16-17:**

- In-state Mileage - \$3,170.28
- In-state Meals - \$1,385.50
- In-state Lodging - \$2,408.60
- In-state Travel Other - \$589.80
- Stipend - \$2,153.05
- Total - \$9,707.23

5. What were the board's revenues and expenditures for fiscal years 2016 and 2017? Does the board carry a reserve balance and, if so, what is the total of that reserve balance?

**The Board does not generate revenue. Board expenditures are shown above. The Board does not maintain a reserve, so there is no reserve balance.**

6. Does the board have any policies in place to address potential conflicts of interest by board members, board employees, or other state employees who work with the board in any capacity?

**TDEC's Office of General Counsel (OGC) provides an Ethics and Conflict of Interest (COI) Statement every year and collects signatures of agreement from Board members. (See Attachment 1 COI Statement). State employees who work with the Board are governed by a separate Department-wide COI Policy. Board members or others who perceive there may be a conflict or potential conflict of interest agree to disclose it and potentially recuse themselves if a conflict exists.**

7. Is the board subject to Sunshine law requirements (Section 8-44-101, Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of meetings and making minutes available to the public?

**Yes, the Board is subject to Sunshine Law requirements and meets those obligations via Internet postings and multiple website listings published through the TDEC Webteam and designated External Affairs and Communications staff. Additionally, all meetings are public noticed using the United States Postal Service and/or sent via email based on updated TDEC Public Participation Request Mail lists to be able to keep current those persons who have requested board information. TDEC and the DSWM provide digital audio recordings to all interested parties as requested. DSWM drafts, finalizes, and distributes minutes for every meeting once the Board votes to approve them as part of the official record of each meeting. TDEC-DSWM retains Board records as determined by the Secretary of State Records Disposition Authority (RDA) SW06. These Board records remain available to the public as requested.**

8. What reports does the board prepare on its operations, activities and accomplishments and who receives the reports? Please attach copies of all such reports issued in fiscal years 2016 and 2017.

**The Board receives a number of TDEC staff reports and updates at every meeting; however, other than meeting minutes or transcripts of proceedings, there are no reports generated by the Board. Attachment 2 provides an example of Board minutes, from the February 2017 meeting. Additionally, the Board posts pertinent meeting information on its website: <http://tn.gov/environment/article/board-underground-storage-tanks-and-solid-waste-disposal-control-board>. The Office of the Comptroller conducts a Performance Audit regularly to report on this board.**

9. Does the board have the authority to promulgate rules?

**Yes. The Board provides vital insight by reviewing and providing expert input regarding proposed revisions of rules prior to their adoption, hearing public comments and responses to comments relative to the Divisions involved, as well as**

responding to public requests for contested civil enforcement orders or permit appeals.

If rules have been promulgated, please cite the reference.

Since the last Sunset Hearing in 2014, the rules referenced below have been amended. These are presented by TDEC Division, rule chapter, rule subject, adoption dates, and effective dates.

**DSWM – Chapter 0400-11-01 Waste Reduction, adopted 08/20/2014, effective 05/27/2015**

**DSWM – Chapter 0400-11-01 Composting Amendment, adopted 08/05/2015, effective 07/07/2016**

**DSWM – Chapter 0400-12-01 2013a Amendments, adopted 12/04/2012, effective 11/05/2013**

**DSWM – Chapter 0400-12-01 2014 Amendments, adopted 06/19/2014, effective 02/10/2015**

**DSWM – Chapter 0400-12-01 2015a Amendments, adopted 02/04/2015, effective 10/08/2015**

**DSWM – Chapter 0400-12-01 2015b Amendments, adopted 06/03/2015, effective 08/07/2017**

**DSWM – Chapter 0400-12-01 2015c Amendments, adopted 12/02/2015, effective 08/07/2017**

**DoR – Chapter 0400-15-01 Site delisting, adopted 12/03/2014, effective 05/06/2015**

**DoR – Chapter 0400-15-01 Site delisting, adopted 04/21/2015, effective 09/03/2015**

**DoR – Chapter 0400-15-01 Site listing, adopted 02/03/2016, effective 08/18/2016**

**DoR – Chapter 0400-15-01 Site listing, adopted 06/01/2016, effective 06/07/2017**

**UST – Chapter 0400-18-01 No Recent Rule Amendments**

10. What were the board's major accomplishments for fiscal years 2016 and 2017?

**Specific goals achieved by the Board include:**

- **Administrative organization including the selection of Board chairs and vice-chairs each election cycle;**
- **Promulgation of solid and hazardous waste rules which clarified the definition of solid waste;**
- **Promulgation of solid waste rules to modernize the process and reduce the regulatory burden of obtaining permits to compost organic waste;**
- **Promulgation of a number of updated hazardous waste regulations to bring Tennessee's rules current with EPA regulations;**
- **Provided opportunities for a public discussion of the Petroleum Underground Storage Tank Fund and reports related to the Fund at each meeting;**
- **Provided opportunities for the public presentation of Prioritization Plans for UST remediation projects across Tennessee in both fiscal years;**
- **Provided an opportunity to publically update the Board on federal underground storage tanks rules that became effective in October 2015, how the federal changes affected the existing Tennessee rules, and notified the Board that updated state rules with new state program approval application must be submitted to the Environmental Protection Agency by October 2018 as intended by Tennessee Code Annotated, Section 68-215-102(b);**

- **Provided valuable input on the development and implementation of Policy and Guidance Documents prepared by the Divisions; and**
- **Provided a forum for the general public to express concerns and identify proposed action items for the Board**

11. Describe any actions regarding orders for correction taken by the board as authorized in Section, 68-211-112, *Tennessee Code Annotated*, in fiscal years 2016 and 2017.

**The Board has not taken any action regarding orders for correction in fiscal years 2016 and 2017. No party to such a decision has appealed such a decision to the Board in 2016 or 2017.**

12. Have any hearings been held before the board as authorized in Section 68-211-113, *Tennessee Code Annotated*?

**No hearings have been held before the Board pursuant to Tenn. Code Ann. § 68-211-113 in fiscal years 2016 and 2017. The Board requested, and has been given, updates on the status of each decision by an administrative law judge. No party to such decision has appealed that decision to the Board in fiscal years 2016 and 2017, and the Board has not chosen to take up any such appeal.**

13. Describe any actions regarding criminal penalties taken by the board as authorized in Section 68-211-114, *Tennessee Code Annotated*, in fiscal years 2016 and 2017.

**No actions regarding criminal penalties were taken by the Board in fiscal years 2016 and 2017.**

14. Describe any actions regarding civil penalties taken by the board as authorized in Section 68-211-116, *Tennessee Code Annotated*, in fiscal years 2016 and 2017.

**Tenn. Code Ann. § 68-211-116 addresses financial assurance documents. Financial assurance instruments are required to be posted with the TDEC Commissioner to ensure the proper operation and closure of solid waste disposal and processing facilities.**

**However, Tenn. Code Ann. § 68-211-117, addresses civil penalties. In accordance with Tenn. Code Ann. § 68-211-117, the DSWM issues civil penalties as part of the Division's enforcement orders. The statute currently requires order appeals to go before an Administrative Law Judge prior to being reviewed by the Board. In fiscal years 2016 and 2017, the DSWM issued 41 enforcement orders (including Commissioner's Orders, Director's Orders and Consent Orders). Civil penalties were assessed in the amount of \$439,800.11 upfront, \$60,450.00 contingent and \$119,445.43 in damages. The following appeals were filed but no hearing was or has yet been held.**

Matter #	Name	Status	Type	Appealed Date
SWM17-0001	1797 Gainesboro Highway	Appealed	Director's Order	19-May-17
HWM16-0054	Environmental Waste Solutions, LLC, aka EWS	Appealed	Director's Order	31-Mar-17
SWM16-0018	Combs Industrial Services DBA Onsite Environmental	Appealed	Director's Order	9-Feb-17
SWM16-0015	Rutherford County Demolition Landfill	Appealed	Director's Order	5-Oct-16
TOX16-0001	Better Homes	Appealed	Director's Order	29-Jun-16
HWM16-0010	Mullican Flooring / EQ Mobile Recycling Services, Inc. (a US Ecology Co.)	Closed	Agreed Order	23-Aug-16
SWM16-0001	Environmental Waste Solutions, LLC, aka EWS	Appealed	Commissioner's Order	29-Apr-16
HWM14-0058	January Environmental Services, Inc.	Appealed	Director's Order	13-Oct-16

15. Describe any items related to the board that require legislative attention and any proposed legislative changes.

**The Board has no legislative proposals. However, several recent laws do impact the Board's subject area.**

**Public Chapter 292 of 2016 was an administration bill dealing with several provisions of the Petroleum Underground Storage Tank Act and the UST-SWDCB. It improved customer-service to the regulated community by updating and doubling UST Fund coverage for cleanup costs allowing the Fund to reimburse corrective action costs up to \$2 million and allowing the TDEC Commissioner to refund annual tank fees or waive penalties in conjunction with a permanent tank closure. It also made several changes to the regulation of petroleum underground storage tanks and waste and made the UST-SWDCB operations more consistent with other environmental board operations by reducing the minimum number of annual meetings from six to four and designating the two ex-officio members as voting members.**

**In fiscal years 2016 and 2017, the Governor's legislative package included three bills proposed and supported by DSWM. All three bills were successfully passed into law. Public Chapter 742 of 2016 addressed the manner in which recycling rebates were provided to large counties, Public Chapter 771 of 2016 allowed the used oil fee to be**

**used to manage automotive fluids other than oil, and Public Chapter 282 of 2017 added a requirement for transfer stations to provide County of Origin information. Although the Board was briefed on these proposed legislative items, these items were not required by the Board and did not receive any comments from the Board.**

16. Should the board be continued?

**Yes, because the UST-SWDCB functions as a clearinghouse by coordinating with TDEC to provide oversight in the prevention, protection, remediation, and fair application of rules governing the safety and health of the public and environment. Additionally, this Board provides relevant experience and valuable expertise to citizens, the regulated community, businesses, commerce and industry, as well as TDEC.**

To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of Tennessee citizens?

**The welfare of Tennessee citizens is served by having an external Board providing oversight over the activities of TDEC's affected Divisions. TDEC benefits from the oversight, advice, and counsel provided by the Board. This results in a regulatory process that is fairer, more efficient, and best balances the needs and concerns of business, environmental concerns, and citizens. Further, Board meetings provide transparency and public input necessary for Tennesseans to maintain confidence in State government.**

17. Please list all board programs or activities that receive federal financial assistance. Include the amount of federal funding received by program/activity.

**The Board does not receive any federal funding.**

18. Please list all board contracts and include information about the services provided and the amount of the contract.

**The Commissioner has the authority to enter into contracts under all of the different statutes applicable to this board. The Board has not entered into its own contracts.**

19. Please provide a list of current staff members by name and job title.

**The Board does not employ any staff. All support is provided by TDEC Divisions.**

**TDEC Contacts:**

**Loretta J. Buchanan, Board Administrator for UST-SWDCB**

**Technical Secretaries:**

**Pat Flood, SWM Director**

**Stan Boyd, UST Director**

# ATTACHMENT 1

**ETHICS AND CONFLICT OF INTEREST STATEMENT  
FOR  
MEMBERS OF THE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL  
CONTROL BOARD**

1. Pursuant to T.C.A. §68-211-111(i), “[N]o member of the board shall participate in making any decision of a permit or upon a case in which the municipality, firm or organization which the member represents, or by which the member is employed, or in which the member has a direct substantial financial interest, is involved.”
2. Each board member shall read and comply with all applicable portions of Executive Order No. 20, *An Order Concerning Ethics Policy and Disclosures by the Executive Branch*, issued August 31, 2012 (attached), and any subsequent applicable Executive Order concerning ethics or conflicts of interest.
3. Each board member shall avoid all known applicable conflicts of interest, and to the extent the board member becomes aware of such a conflict of interest in connection with any matter brought before the board, the board member shall disclose such conflict to the other board members, Administrative Law Judge, and/or other appropriate person(s) and shall further recuse him or herself from participating in any consideration of the matter.
4. No board member will participate in discrete decisions or actions specifically impacting individuals in his or her immediate family, individuals in their capacity as an employee of the board member or the board member’s personal business.
5. A conflict of interest for purposes of this Statement is a conflict on the part of a board member between his or her private interests and the official responsibilities inherent in membership on a board, an office of public trust. It is recognized that the composition of the board is statutorily mandated to include representatives of specified groups in order to assure that views and interests of the specified groups are represented. Therefore, an applicable conflict of interest does not exist when a board member participates in the discharge of his or her official duties, including participation in the promulgation of rules, if such participation will not substantially affect a direct or indirect financial interest, as described in Executive Order No. 20 or any subsequent applicable Executive Order, of the board member, or an entity with which he or she is associated, in a manner different from the manner in which it affects the other members of the class to which he or she, or the associated entity, belongs.
6. When a board member is in doubt as to the proper interpretation of this conflict of interest statement, he or she is expected to seek the advice of the Commissioner of Environment and Conservation or the Commissioner’s designee, which will be one or more persons impartial to the interpretation issue in question.
7. All members of the board must annually:
  - (a) Review the Ethics and Conflict of Interest Statement; and
  - (b) Submit a signed and dated Ethics and Conflict of Interest Statement Acknowledgement to the Technical Secretary.

**THIS ETHICS AND CONFLICT OF INTEREST STATEMENT DATED AUGUST 20, 2014 REPLACES AND SUPERSEDES ANY PREVIOUS SUCH STATEMENTS PROVIDED TO OR EXECUTED BY BOARD MEMBERS.**

**UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD**

**ACKNOWLEDGEMENT  
OF  
ETHICS AND CONFLICT OF INTEREST STATEMENT**

The member has received and read a copy of the attached ETHICS AND CONFLICT OF INTEREST STATEMENT dated August 20, 2014. The member affirms that he/she understands that the Governor considers compliance with the STATEMENT a condition of service.

\_\_\_\_\_  
Signature of Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please Print Name

## ATTACHMENT 2

# MINUTES

## **TENNESSEE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD MEETING**

Third Floor-Nashville Room  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243

February 2, 2017

### **Board Members Present:**

Howard Bradley

Jared Lynn, Chairman

Marty Calloway, Third-Chairman

Kenneth Donaldson

Chuck Head

George Hyfantis

Alan Leiserson

David Martin

Ric Morris

Beverly Philpot

DeAnne Redman

### **Board Members Absent:**

Stacey Cothran

Jimmy West

Mark Williams, Vice-Chairman

The *Tennessee Underground Storage Tanks and Solid Waste Disposal Control Board* (UST-SWDCB or the Board) met on Thursday, February 2, 2017 at approximately 9:30 A.M. A roll call established that a quorum existed.

### UST-SWDCB BOARD MATTERS

After thanking the Board for their vote of confidence electing him to the Chairman position and recognizing the good work done by predecessor, Ms. Stacey Cothran, Chairman Jared Lynn called the meeting to order. He confirmed the continued use of a sign-in sheet for anyone wishing to address the Board for three minutes on agenda topics. Chairman Lynn then allowed time for reviewing the previous Board meeting minutes. Mayor Howard Bradley moved to approve the minutes. Ms. DeAnne Redman seconded the motion. All were in favor of approving the December 7, 2016 Board meeting minutes into the record.

### GENERAL BUSINESS AND STAFF REPORTS:

Next, Chairman Lynn recognized Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), Hazardous Waste Permitting Manager, Ms. Jamie Burroughs, to present the Hazardous Waste Quarterly Permitting Report. Ms. Burroughs reported on the timeliness of permitting activities from October 1, 2016 to December 31, 2016. She provided this information in a revised format and sought the Board's comments and questions regarding the report. Chairman Lynn commented on improvements to the report and suggested pie chart illustrations be added to simplify the format.

Next, Chairman Lynn recognized TDEC's Division of Underground Storage Tanks (UST) Director, Mr. Stanley R. Boyd, to present the UST Fund Balance Update and Solvency Projections from July 2016 through December 2016. Mr. Boyd, (filling in for UST Deputy Director Ms. Cindy Storm on the agenda), presented information regarding the UST Fund noting that while collections to-

date were less than projected, the UST Fund remains strong with a balance of approximately forty-one million, nine hundred and ninety thousand dollars after projected obligations including expenditures and accrued liabilities.

Chairman Lynn recognized Dr. George Hyfantis who congratulated TDEC, Director Boyd, and the UST Staff for their excellent work evidenced by the positive turnaround of the UST Fund over the last decade.

Next, Chairman Lynn called on DSWM Solid Waste Permitting Manager, Mr. Nick Lytle, who presented an overview of improved Special Waste Application Approval Processes and Online Payment options soon to be launched across the State. Mr. Lytle described the debut of a quick turn-around, labor-saving, customer-friendly, online format designed to accelerate special waste application submittals, reviews, denials, and approvals to service the needs of facility applicants. He stated standard operating procedures (SOP) had been developed and deployed to guide DSWM Staff and Stakeholders within a new web-based infrastructure that would ensure consistent implementation across the State. Responding to Mr. Ken Donaldson, Mr. Lytle noted DSWM receives around nine hundred and fifty new special waste applications and re-certifications each year.

Chairman Lynn thanked Mr. Lytle and DSWM for seeking input from external parties and working to consolidate a uniform electronic process with guidance for special waste approvals. DSWM Director, Mr. Patrick J. Flood, responded with appreciation noting the essential involvement of volunteers like Chairman Lynn and Ms. Cothran, both of whom had been gracious with their time and efforts

helping to identify what users need and want in the new format. Mr. Flood thanked them for their willingness to participate in the program.

Next, Chairman Lynn recognized TDEC Office of General Counsel (OGC) Enforcement Coordinator, Mr. Chris Moran, who discussed a proposed format for reporting to the Board cases appearing or decided before an Administrative Law Judge (ALJ). Mr. Moran provided information as requested by Mr. Alan Leiserson. After discussion, Mr. Leiserson preferred additional information be included in the report thereby allowing the Board an opportunity to ensure penalties were proportionate to violations after reviewing facts and violations particularly in the case of an appeal. Recalling an earlier Board request involving a False Claims Act settlement, Mr. Leiserson also suggested follow-up reporting on the dispersal of settlement monies received and specific affected fund accounts. Mr. Moran confirmed that this requested reporting would start with cases beginning in 2016 and going forward.

At this time, Third-Chairman Marty Calloway noted the False Claims Act case mentioned involved an Exxon settlement and inquired about another pending case involving Chevron. TDEC-OGC Senior Legal Advisor, Mr. Joseph Sanders, responded that legal motions were in process on the Chevron case.

Chairman Lynn recognized Dr. Hyfantis who along with Mr. Sanders helped to clarify the difference between agreed and consent orders.

Chairman Lynn welcomed *Tennessee Fuel and Convenience Store Association* (TFCA) Representative, Ms. Emily LeRoy, who requested the Board consider notifying individuals/firms as a courtesy prior to Board discussion of their cases.

Next, Chairman Lynn then recognized TDEC-OGC Attorneys, Ms. Ellery Richardson and Ms. Katharine Barnes, to introduce an updated version of the Board Orientation Manual they had provided to each Board Member and made available online with relevant rules, guidance, and accurate references to assist in the performance of Board Member duties.

Chairman Lynn then welcomed TDEC-Division of Remediation (DoR) Director, Mr. Steve Goins, who reported on the Hazardous Waste Remedial Action Fund (HWRAF). Mr. Goins noted one-third of DoR fiscal year funding would not occur until June 2017, which accounted for the one and one quarter million dollar deficit indicated in the report. He commented on the well-attended DSWM-DoR Waste Activity Audit workshops scheduled across the State to benefit Stakeholders preparing to submit their required annual reports and fees associated with generating hazardous waste. Mr. Goins concluded the highlights from DoR and welcomed new Board Members stating he would provide a more in-depth overview of DoR programs and funding at a future meeting.

Chairman Lynn, Mr. Leiserson, and Dr. Hyfantis inquired about Federal funding and availability of online submittals for annual reports and payments. Both DoR and DSWM Directors confirmed online reporting remains a long-term goal.

Chairman Lynn thanked Mr. Goins before calling on DSWM Director Flood, who noted concerns raised by business and industry entities over differences between policy and guidance. Mr. Flood stated an internal working group was in the process of reviewing DSWM documents to address these concerns appropriately and in accordance with State law. He expected moving forward with guidance, policies, or rules once the working group completes their reviews. Mr. Flood discussed on-going statewide meetings seeking Stakeholder input for draft solid waste rulemaking proposals and numerous trainings TDEC-DSWM is providing to help facilities come into and remain in compliance rather than go into enforcement actions. Mr. Flood, Mr. Donaldson, and Mr. Lytle discussed how to focus on the needs of cities in addition to counties as well as the development of a new SOP to help eliminate inconsistencies when conducting complaint investigations.

Next, Chairman Lynn welcomed UST Director Boyd who presented the 2017 Compliance Toolbox to assist operators in the compliance side of the UST program. He mentioned upcoming training through the *Steel Tank Institute* to assist contractors and inspectors with corrosion protection testing. Both UST and DSWM Directors confirmed they expected no changes regarding Federal grants for their respective programs this fiscal year.

Chairman Lynn presided over the discussion and comments regarding options for the next meeting dates, times, and locations with the Board opting to schedule their next meeting on Tuesday, May 16 at 8:30 Eastern Time in

Chattanooga to coincide with the 46<sup>th</sup> Annual Environmental Show of the South Conference and Exhibition to be held at the Chattanooga Convention Center.

Following this, Chairman Lynn asked if there was a motion to adjourn. Vice-Chairman Calloway so moved with Dr. Hyfantis seconding the motion for adjournment. The meeting ended at approximately 10:45 A.M.

**SUBMITTED BY:**

  
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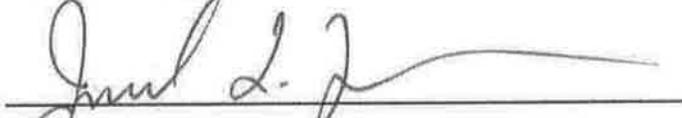
Patrick J. Flood, Technical Secretary

**Director, Division of Solid Waste Management**

MAY 2, 2017

Date

**APPROVED BY:**

  
\_\_\_\_\_

Jared Lynn, Chairman

**Underground Storage Tanks and Solid Waste  
Disposal Control Board**

5/16/2017

Date