



Department of
**Environment &
Conservation**

Permitting Issues

Air Pollution Permitting Workshop

August 20, 2025

NEW Central Office ADDRESS and PHONE NUMBERS

State of Tennessee

Department of Environment and Conservation

Division of Air Pollution Control

Davy Crockett Tower, 7th Floor

500 James Robertson Parkway

Nashville, TN 37243

- Most staff have new phone numbers. Please pay attention to the signature line in emails from your APC contacts for updated phone numbers. The Division's main number, (615) 532-0554, is still active.

Permitting

- Tennessee has the authority to implement federal air quality requirements through a State Implementation Plan, or SIP.
- One of the requirements of our SIP is that the permitting authority (the State of Tennessee or an approved local program) create and issue practicably enforceable, legally defensible permits that assist the source in complying with regulatory requirements under the Clean Air Act.

Permitting

- EPA provides oversight to the State and Local permitting programs
 - Review of certain major source permit applications, draft and proposed permits
 - Provide guidance, technical assistance, and/or comments to the permitting authority

Types of Permits

- Title V operating permits
- Conditional major operating permits
- True minor operating permits
- Construction permits (New Source Review)
- Combined construction/operating permits
- General Permits
- Permit-by-rule (PBR)

General Permits

- General permits are a single permit issued by TDEC for a specific type of facility
- Sources submit a “notice of intent” (NOI) to receive coverage under a general permit, and the Technical Secretary issues a Notice of Coverage (NOC)
- General permits are currently only available to non-Title V sources, although the T5 regulations allow the use of general permits at T5 facilities at the discretion of the permitting authority.
- Effective general permits: Perc Dry cleaners, petroleum solvent dry cleaners, concrete batch plants < 10 TPY, concrete batch plants > 10 TPY, and nonmetallic mineral processing plants.

Additional Permit Streamlining

- On August 15, 2017, rule changes went into effect allowing:
 - Permits-by-Rule (PBR)
 - Source-specific requirements (NSPS, NESHAP) adopted into rules
 - Sources submit a “Notice of Intent” (NOI) to TDEC to be subject to permit-by-rule
 - The Technical Secretary issues Notices of Authorization (NOA) for sources authorized to construct and/or operate under a permit-by-rule.
 - Combined Construction and Operating Permits
 - Single Application/Single Permit
 - True Minor and Conditional Major Ownership Changes through Permit Amendment (like Title V)

Additional Benefit of Permit-By-Rule

- Major sources subject to a federal rule listed in the PBR rule may qualify to be an insignificant activity or insignificant emissions unit if their uncontrolled PTE is less than 5 TPY of each criteria pollutant and less than 1,000 lbs/yr of each hazardous air pollutant. They will still be required to comply with the rule but will not be subject to permitting. They must be listed in the Title V permit.
- The Division must be given written notification of sources desiring designation as insignificant activities or insignificant emissions units.

Ownership Changes

- An operating permit, construction permit, or Notice of Authorization is transferable from one person to another person PROVIDED that:
 - Written notification is submitted no later than 30 days after the change
 - The new owner or operator does not make any changes that meet the definition of modification and agrees to abide by the terms of the permit, Notice of Coverage, or Notice of Authorization and any documented agreements made by the previous owner.
- For construction permits and all nT5 permits, the ownership change notification should be made on the form attached to the permit.
- For T5 permits, the ownership change notification should be in the form of an administrative amendment application

Changes to Contacts

- It is also important to advise the Division if the responsible person, technical contact or billing contact changes.
- Some non-Title V permits may only require notification of a change in the responsible person, but even if not required in the permit it is important to notify us if other contacts change to ensure correspondence is routed accordingly.
- Title V permits specifically require notification of changes in the Responsible Official, technical contact, and billing contact. Failure to do so is a permit violation.

Potential to Emit

- The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally enforceable.
- The lesser of the allowable emission rate (from state or federal regulation) and maximum uncontrolled emissions (MUE). If there is no numeric value established by a regulation, then $PTE = MUE = Allowable$.

Title V Permits

- A major stationary source of air pollution must obtain a Title V operating permit.
- For Title V, a major source of air pollution is defined as a source that emits or has the potential to emit 100 TPY of a criteria pollutant, 25 TPY or more of any combination of Hazardous Air Pollutants (HAPs), or 10 TPY of a single HAP.
- Sources with a PTE above T5 thresholds can opt out of being issued a T5 permit by accepting limitations to stay below them. TN calls these sources conditional major sources.

Title V Permits

- The purpose of Title V is to help improve a source's ability to comply with all applicable requirements by putting them in one permit, and to aid the permitting authority in determining the source's compliance with their permit limitations.
- Title V requires that sources submit semi-annual reports to their permitting authority and annual compliance certifications (ACCs) to their permitting authority and EPA.

Title V Permits

- New Title V sources must file a major source operating permit application within the time frame specified in their construction permit, but no later than 360 days after startup.
- Renewal applications must be submitted within the time frame specified in their Title V permit, between six and nine months prior to expiration.
- The Division requires submittal of complete applications for Title V permit renewal applications. “Short form” applications are not allowed.

Title V Permits

- Draft Title V permits must be made available for public review for 30 days before being sent to EPA for review.
 - Public notice must be provided on the Division's webpage prior to issuance of Title V permits and significant modifications.
- EPA has 45 days to review the proposed permit; in certain situations this review period may occur concurrently with the public review period
- Title V permits expire 5 years from permit issuance.

New Source Review (NSR)

- Unless a source is exempt or insignificant, the source owner or operator must apply for and receive a construction permit prior to beginning construction of the source.
- Tennessee regulations require construction permits for both major and minor new source review.
- New major stationary sources and major modifications to stationary sources emitting air pollution are required by the federal Clean Air Act to obtain a major NSR permit before beginning construction.

New Source Review

- Public notice must be published on the Division's webpage prior to issuance of all construction permits, including general permit Notices of Coverage.
- For minor new source review, this notification is not required to include a copy of the draft permit.
- For major new source review, the notification must include the draft permit and supporting documentation (the application, preliminary determination, etc.).

Minor New Source Review

- 1200-03-09-.01(1)(1)

Except as specifically exempted in Rule 1200-03-09-.04, no person shall begin the construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit or, if applicable, submitted a notice of intent and obtained a notice of coverage or authorization, for the construction or modification of such air contaminant source.

Minor New Source Review

- Applications must be submitted on approved forms not less than 90 days prior to the estimated starting date of construction for minor sources and 120 days prior to the estimated starting date of construction for major (Title V) sources. We have also created (and are creating) new forms for specific source categories to improve our knowledge and understanding of air pollution sources.
- For non-Title V sources, the Division has 115 days to issue the permit after receipt of a complete application.
- For major sources, the Division has 180 days to issue the permit after receipt of a complete application.

Major New Source Review

- Nonattainment New Source Review (NAA-NSR) permitting applies to nonattainment areas.
- Prevention of Significant Deterioration (PSD) permitting applies to attainment areas.

Major New Source Review

- PSD applies when:
 - The source is in an attainment area for the pollutant of concern
 - a source is one of the listed industrial categories and emits ≥ 100 tpy of NSR regulated pollutant; OR
 - for all other industrial categories, source emits ≥ 250 tpy of NSR regulated pollutant
- NAA-NSR applies when:
 - the source is in a NAA for the pollutant of concern
 - in general, if source emits ≥ 100 tpy of pollutant (or designated precursors) for which area is designated non-attainment

Major New Source Review

- Sources subject to major NSR must submit the application not less than 120 days prior to the estimated date of construction.
- Sources subject to PSD must apply Best Available Control Technology (BACT) to the affected sources.
- Sources subject to NAA-NSR must apply Lowest Achievable Emission Rate (LAER) to the affected sources.

Non-Title V Operating Permits

- For many years the Division accepted non-Title V operating permit applications with only an APC 100 (previously APC 20) form. However, we are now requiring complete applications with all relevant forms.
- Our application forms have changed, and it is important that we have complete information for all sources. We have also created (and are creating) new forms for specific source categories to improve our knowledge and understanding of your air pollution sources.
- This includes applications for newly constructed sources.
- In addition, these permits are now typically issued for 10 years (instead of one, two, or five as in the past) and it is much more likely that things have changed since the original application.

Combined Construction/Operating Permits

- The Division has been issuing combined construction and operating permits in certain situations for several years.
- A recent change to our fee rules now requires sources that receive a combined permit to begin payment of annual emission fees upon issuance of the permit, even if the source has not begun operation.
- A significant benefit of receiving a combined permit is that it is not necessary to submit an operating permit application, although a startup certification is still usually required.

Permit-By-Rule

- “Permit-by-rule” means authorization from the Technical Secretary for the owner or operator to construct, modify, or operate an eligible true minor air contaminant source if such construction, modification, or operation is in compliance with this rule and rules promulgated in carrying out this rule specifically applicable to such source.
- “Notice of authorization” or “NOA” means a confirmation from the Technical Secretary of authorization to construct, modify, or operate a minor air contaminant source under a permit-by-rule.
- “Notice of intent” or “NOI” means a written notification requesting coverage under a general permit or authorization under a permit-by-rule.

Permit-By-Rule cont.'

- Only non-Title V sources in the categories authorized under Rule 1200-03-09-.07 can receive a Notice of Authorization under permit-by-rule.
 - Gasoline dispensing facilities
 - Emergency engines
 - Auto body refinishing unless the source is subject to Chapter 1200-03-18.
- Inclusion in the list above does not guarantee eligibility for coverage under PBR.

Fee Updates

- Some fee rule changes went into effect March 3, 2024, but any changes that include new or increased fees did not go into effect until July 1, 2024.
- Information about changes to Title V fees will be discussed this afternoon.
- With the expansion of the general permit program, construction permit application fees and annual fees will now be required for most sources covered by general permits.

Low NO_x Burner Requirements

- In April 2005, the Technical Secretary made the determination that low NO_x burner technology was both “reasonable and proper” [1200-03-07-.07(2)] and “best equipment and technology” [1200-03-06-.03(2)] for the control of NO_x emissions from fuel combustion. NO_x is an ozone and PM_{2.5} precursor, and requiring this technology is one measure to ensure attainment and maintenance of the ozone and PM_{2.5} NAAQS.

Low NO_x Burner Requirements

- Case-by-case exemptions may be approved when the technology may interfere with the affected process.
- A guidance document with additional information about this requirement is available on the Department and Division webpages. On the Department's webpage at TN.gov/environment, go to the "About" tab and click on "Policy & Guidance Documents."

Low NO_x Burner Requirements – Asphalt Plants

- A determination was made for diesel engines at asphalt plants, an industry in which it is common to move equipment from one location to another location, that equipment moving into an area that is attainment for ozone and PM_{2.5} will not be required to install low-NO_x burners if the equipment did not have the technology at its previous location.

Low NO_x Burner Requirements – Asphalt Plants

- However, if they move the equipment from an ozone or PM_{2.5} attainment area to an ozone or PM_{2.5} non-attainment area, they will be required to upgrade the equipment to low-NO_x burners.
- This exemption may change when new ozone or PM_{2.5} standards are announced.

Confidentiality

- The Tennessee Air Quality Act grants the Department the authority to issue a protection order to prevent public dissemination of any secret formula, processes, or methods used in any manufacturing operation. The composition of air contaminants shall not be considered secret unless so declared by the Division of Air Pollution Control.
- A Request for Protection Order for Confidential Information form must be completed for each submittal containing material for which confidentiality is desired.

Confidentiality

- The Confidential information request form is available online at <https://www.tn.gov/environment/permit-permits/air-permits/construction/title5-construction.html> and <https://www.tn.gov/environment/permit-permits/air-permits/construction/non-title5-construction.html>.

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Electronic Document Submittal

- The Department is now encouraging sources to submit documents electronically, but we do not recommend e-mailing confidential information.
- Send non-confidential documents to Air.Pollution.Control@tn.gov or as directed in your permit.
- You can copy your permit writer, but be sure to send it to the above email so it is logged in as officially received.
- PDF signatures are acceptable, no hard copy is necessary for non-confidential documents.

Information to EFOs

- Each APC Environmental Field Office also has an official email address.
- Chattanooga: APC.ChattEFO@tn.gov
- Columbia: APC.ColuEFO@tn.gov
- Cookeville: APC.CookEFO@tn.gov
- Jackson: APC.JackEFO@tn.gov
- Johnson City: APC.JCEFO@tn.gov
- Knoxville: APC.KnoxEFO@tn.gov
- Nashville: APC.NashEFO@tn.gov

TDEC Dataviewers

- TDEC is rapidly moving toward a completely electronic file room.
- In APC, all incoming documents (except confidential information) are being scanned and uploaded to the APC dataviewer, SmogLog.
- In APC, the process is complete and all non-confidential documents are available online.
- All scanned TDEC documents relating to regulated facilities can be found at <https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html>.
- The direct link to APC's dataviewer is <https://dataviewers.tdec.tn.gov/dataviewers/f?p=19031:34001>

Questions?

Lacey J. Hardin

Environmental Consultant 4

TN Division of Air Pollution Control

Davy Crockett Tower, 7th Floor

500 James Robertson Parkway

Nashville, TN 37243

(615) 917-8948

Lacey.Hardin@tn.gov

tn.gov/environment/