



Department of  
**Environment &  
Conservation**

# Exemptions/Insignificant Activities

## Non-Title V Sources

# Today's Discussion

- Definitions
- Sources requiring an air permit
- What sources cannot be exempt?
- Exempt air contaminant sources
- Insignificant activities and emission units
- What to do once you make a determination
- Things to remember
- Resources

# Definitions

**Insignificant activity** or **insignificant emissions unit** means any activity or emissions unit at a stationary source for which the emissions unit or activity has the potential to emit less than 5 tons per year of each air contaminant and each regulated air pollutant that is not a hazardous air pollutant, and less than 1,000 pounds per year of each hazardous air pollutant unless specifically excluded from designation as an insignificant activity or insignificant emissions unit elsewhere in 1200-03 or 0400-30. [1200-03-09-.04(2)(a)3.]

# Definitions

**Potential to emit** means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air 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 is federally enforceable.

[1200-03-09-.04(2)(a)4.]

- Inherent limitations
- Federally-enforceable limitations

# Sources Requiring an Air Permit

1200-03-09-.01(1)(a) states:

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.

# What sources cannot be exempt?

The permit exemptions in 1200-03-09-.04(4) do not apply to:

- Sources subject to Chapter 0400-30-38 (Emission Standards for Hazardous Air Pollutants)
- Sources subject to Chapter 1200-03-18 (Volatile Organic Compounds)
- Sources subject to Chapter 1200-03-19 (Emission Standards and Monitoring Requirements for Additional Control Areas)
- Sources subject to Chapter 1200-03-22 (Lead Emission Standards)
- Sources subject to Chapter 1200-03-27 (Nitrogen Oxides)
- Sources subject to Chapter 1200-03-31-.05(2) (Case By Case Determinations of Hazardous Air Pollutant Control Requirements – Standard for New Sources)

# What sources cannot be exempt? (continued)

**Except** if the air contaminant source belongs to a source category listed in paragraph (5) of Rule 1200-03-09-.07, even if the source itself is not eligible for authorization, or except where specifically stated.

Those source categories are:

- Gasoline dispensing facilities subject to the provisions of Rule 1200-03-18-.24.
- Emergency stationary reciprocating internal combustion engines subject to the provisions of Rule 0400-30-38-.01.
- Emergency stationary compression ignition internal combustion engines subject to the provisions of Rule 0400-30-39-.01.
- Emergency stationary spark ignition internal combustion engines subject to the provisions of Rule 0400-30-39-.02.
- Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, subject to the provisions of Rule 0400-30-38-.02. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for exemption.

These units located at true minor sources are also eligible for Permit by Rule (PBR).

# What sources cannot be exempt? (continued)

So, even though subparagraph 1200-03-09-.04(2)(c) states:

No emission unit or activity subject to a federally enforceable applicable requirement not included in 1200-03 or 0400-30 (other than generally applicable requirements of the state implementation plan) shall qualify as an insignificant emission unit or activity.

And the provisions of 40 CFR 60, 61, and 63 have been incorporated by reference into 0400-30-38 and 0400-30-39, only air contaminant sources in the source categories listed on the previous slide can qualify for exemption. All other sources subject to a federally enforceable applicable requirement must obtain an air contaminant permit.



# Exempt Air Contaminant Sources

No person shall be required to obtain or file a request for a permit due to ownership, operation, construction, or modification of the following types of air contaminant sources [1200-03-09-.04(4)]:

- Any insignificant activity or insignificant emissions unit.
- The categorical emission units listed in 1200-03-09-.04(5)(f), excluding items 1 and 2.
- The emission units or activities listed in 1200-03-09-.04(5)(g).
- Any of the emission units or activities listed in 1200-03-09-.04(4)(d).

# The “(d)” List

**Any of the emission units or activities listed in 1200-03-09-.04(4)(d).**

- Also known as the “(d)” list
- List of 25 types of process units or activities, most have qualifiers
  - Maximum emission rates in pounds per hour or tons per year
  - Maximum capacities
- These emission units or activities are not required to be listed in the construction or operating permit applications for the facility.

# The “(f)” List

## **The categorical emission units listed in 1200-03-09-.04(5)(f), excluding items 1 and 2.**

- Also known as the “(f)” list
- List of 93 types of process units or activities (excluding items 1 and 2).
- These emission units or activities, with the exception of items 19 and 84, are not required to be listed in the construction or operating permit applications for the facility.
- With the exception of items 19 and 84, the emissions unit or activity must have a potential to emit less than 5 tons per year of each air contaminant and each regulated air pollutant that is not a hazardous air pollutant, and less than 1,000 pounds per year of each hazardous air pollutant.

# The “(g)” List

## **The emission units or activities listed in 1200-03-09-.04(5)(g).**

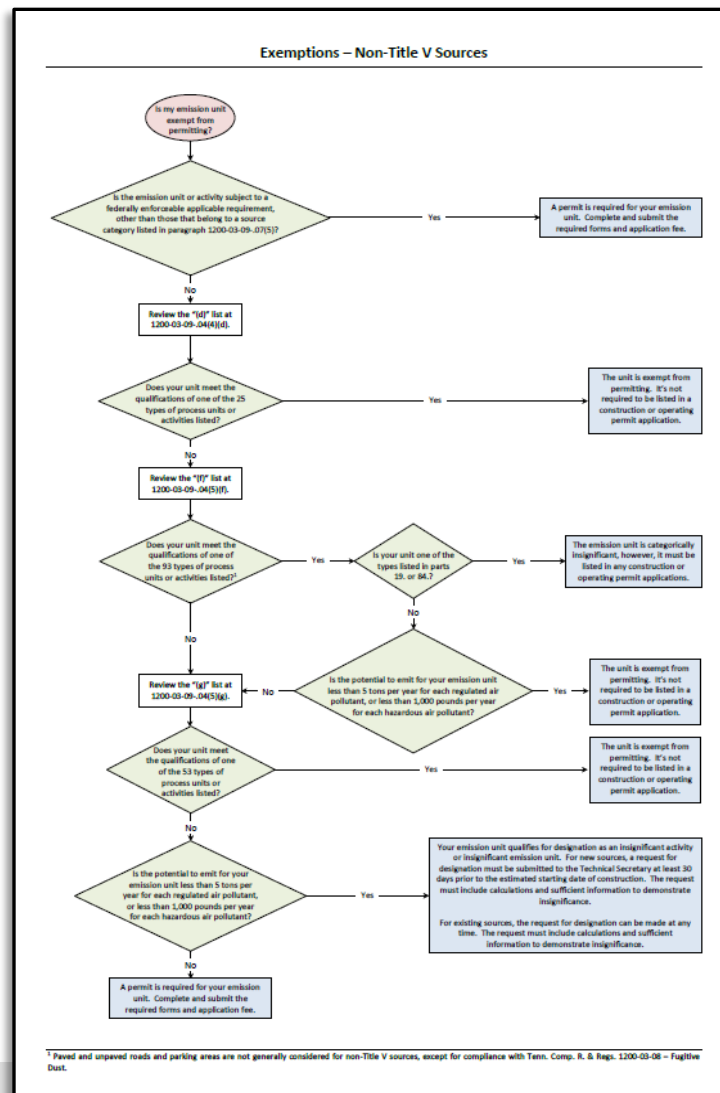
- Also known as the “(g)” list
- List of 53 types of process units or activities
- These emission units or activities are not required to be listed in the construction or operating permit applications for the facility.

# Insignificant Activities and Emission Units

## **Any insignificant activity or insignificant emissions unit.**

- Meets the criteria specified in 1200-03-09-.04(2)(a)3.
  - Potential to emit less than 5 tons per year of each air contaminant and each regulated air pollutant that is not a hazardous air pollutant
  - Potential to emit less than 1,000 pounds per year of each hazardous air pollutant
- In order to receive designation as an insignificant activity or insignificant emission unit, a written notification must be submitted to the Technical Secretary.
  - For new sources, the request must be made at least 30 days prior to the estimated starting date of construction.
  - For existing sources, the request can be made at any time.

# Is My Emission Unit Exempt?



# My Emission Unit is Exempt - Now What?

- Prepare documentation to support your determination
  - Brief description of emission unit or activity
  - Copies of vendor information, such as specification sheets, brochures, or stack test data
  - Detailed emission calculations
  - Identification of the specific rule citation that applies
- Retain copies of the documentation onsite and make them available for inspection, if requested
- Update your list of exempt or insignificant emission units

# My Emission Unit is Insignificant - Now What?

- Prepare documentation to support your determination
  - Brief description of emission unit or activity
  - Copies of vendor information, such as specification sheets, brochures, or stack test data
  - Detailed emission calculations
  - Identification of the specific rule citation that applies
- Submit a designation request to the Division
  - For new sources, at least 30 days prior to beginning construction
  - For existing sources, at any time
- Update your list of exempt or insignificant emission units



# My Emission Unit Needs a Permit - Now What?

- Prepare construction permit application package, including:
  - Necessary application forms
  - Process flow diagram
  - Detailed emission calculations
  - Vendor information
  - Permit application fee
- Submit signed application package electronically to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov)
- Submit construction permit application fee to:  
Division of Air Pollution Control  
Davy Crockett Tower, 7<sup>th</sup> Floor  
500 James Robertson Parkway,  
Nashville, Tennessee 37243

# Things to Remember

**The exemption provided for the air contaminant sources in 1200-03-09-.04 does not exempt the sources from inclusion in determining if a major stationary source or major modification construction permit is required under paragraphs (4) and (5) of Rule 1200-03-09-.01. [1200-03-09-.04(1)]**

- Exempt and insignificant emission units or activities must be included in your facility-wide emission summary when you are making a determination of your source status.
- Emissions from exempt and insignificant emission units or activities must be included in your compliance determination if you are a conditional major source.
- Exempt and insignificant emission units or activities must comply with all applicable rules and regulations.

# Things to Remember (continued)

You will be asked to provide an updated list of all insignificant activities and potential emission rates with any conditional major permit application and with any application for a new source at a true minor facility where emissions are close to the major source thresholds.

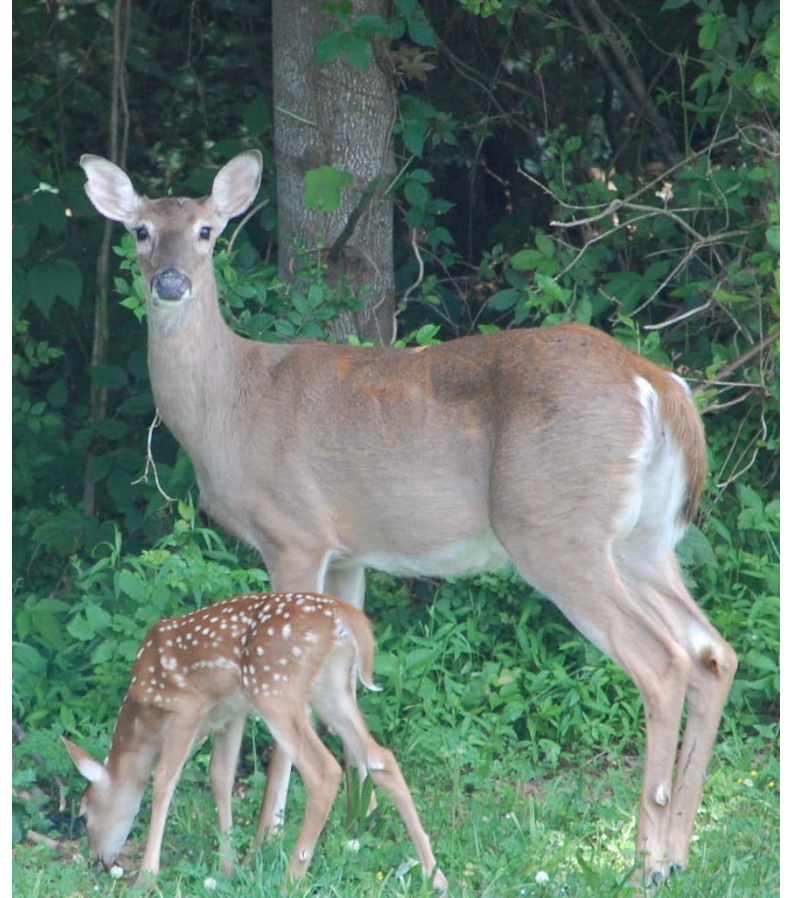
You may also be asked to provide an updated list of all insignificant activities and potential emission rates when a new insignificant activity (that emits the pollutant of concern) is added to an existing conditional major facility.

# Resources

- 1200-03-09-.04 Exemptions
  - <https://publications.tnsosfiles.com/rules/1200/1200-03/1200-03-09.20221228.pdf>
- Permit by Rule
  - <https://www.tn.gov/environment/permit-permits/air-permits/permit-by-rule.html>
- Small Business Environmental Assistance Program
  - <https://www.tn.gov/environment/sbeap.html>

# Questions?

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<https://www.tn.gov/environment/air.html>