

The Tennessee Division of Air Pollution Control (TDAPC) will be hosting a public hearing before the Technical Secretary of the Air Pollution Control Board regarding proposed revisions to rules .01 -.03 of Chapter 1200-03-32 Prevention of Accidental Releases. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated sections 4-5-201 to -231 and will take place in Conference Room 1-B of the Davy Crockett Tower, Floor 1, 500 James Robertson Parkway, Nashville, Tennessee 37243 on May 6, 2026 at 1:00 p.m.

Chapter 1200-03-32 currently requires the submission of risk management plans by major sources subject to the provisions of Section 112(r) of the federal Clean Air Act to both the Division and EPA. However, implementation and accountability of the 112(r) program is handled entirely by the EPA because Tennessee has not been delegated authority to implement this program. Accordingly, this rulemaking eliminates the requirement to submit the plans to the Division.

The Air Pollution Control Board is also proposing to require only major sources to file an annual report certifying compliance with their risk management plan to the Division. All sources required to submit risk management plans are required to file such certifications with EPA, but only major sources are required to also file this report with the state.

In addition, the Air Pollution Control Board is proposing to move this rule from control number 1200, division number 03 to control number 0400, division number 30.

The documents detailing the public hearing time, location and remote access capabilities can be reviewed via the following links: [Draft Rule](#) and [Red-Line Version](#)

Ms. Lacey Hardin and Mr. John Bregger are the assigned Division personnel.

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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Lacey J. Hardin
Address:	Davy Crockett Tower 500 James Robertson Parkway, 7 th Floor Nashville, Tennessee 37243
Phone:	(615) 532-0545
Email:	Lacey.Hardin@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	Davy Crockett Tower 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	kathryn.reitz@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room 1-B, 1st Floor		
Address 2:	Davy Crockett Tower 500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	05/06/2026		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Alternate Hearing Option

Method 1:	Microsoft Teams meeting Join on your computer, mobile app or room device https://teams.microsoft.com/meet/21835850425747?p=8TPiHbj3pwluxXBt7x Meeting ID: 218 358 504 257 47 Passcode: ES66b3Yg Download Teams Join on the web
Method 2:	Join with a video conferencing device stateoftn@m.webex.com Video Conference ID: 117 107 250 5

	Alternate VTC instructions
Method 3:	<p>Or call in (audio only) +1 629-209-4396, 813708437# United States, Triune</p> <p>Phone conference ID: 813 708 437#</p> <p>Find a local number Reset PIN Learn More Meeting options</p>

Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Ellen Sherril at (615) 532-0105 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Ellen Sherril at (615) 532-0105 o tdec.titlevi@tn.gov para obtener más información.

The Department of Environment and Conservation (“Department”) Division of Air Pollution Control (“Division”) is charged with maintaining the purity of the air resources of the state consistent with the protection of the health, general welfare and physical property of the people, maximum employment, and the full industrial development of the state. To accomplish these objectives, many sources of air pollutants are required to obtain major source operating permits. To maintain authority to issue major source operating permits in lieu of the U.S. Environmental Protection Agency (EPA), Tennessee must adopt federal provisions for prevention of accidental releases of harmful pollutants (Section 112(r) of the federal Clean Air Act).

Chapter 1200-03-32 currently requires the submission of risk management plans by major sources subject to the provisions of Section 112(r) of the federal Clean Air Act to both the Division and EPA. However, implementation and accountability of the 112(r) program is handled entirely by the EPA because Tennessee has not been delegated authority to implement this program. Accordingly, this rulemaking eliminates the requirement to submit the plans to the Division.

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In addition, the Air Pollution Control Board is proposing to move this rule from control number 1200, division number 03 to control number 0400, division number 30.

Oral or written comments are invited at the hearing. In addition comments may be submitted prior to or after the public hearing to: Department of Environment and Conservation, Division of Air Pollution Control, Davy Crockett Tower, 500 James Roberson Parkway, 7th Floor, Nashville, Tennessee 37243 or via email to Air.Pollution.Control@tn.gov. However, such written comments must be received by 4:30 PM Central Time, on May 6, 2026, to assure consideration. For further information, please contact Lacey Hardin at the above address or telephone number or by e-mail at Lacey.Hardin@tn.gov.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.02	Operating Permits

Chapter Number	Chapter Title
1200-03-32	Prevention of Accidental Releases
Rule Number	Rule Title
1200-03-32-.01	Purpose and Intent
1200-03-32-.02	Definitions
1200-03-32-.03	Duty to File Accidental Release Plans

Chapter Number	Chapter Title
0400-30-32	Prevention of Accidental Releases
Rule Number	Rule Title
0400-30-32-.01	Purpose and Intent
0400-30-32-.02	Definitions
0400-30-32-.03	Duty to File Risk Management Plans

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

The introductory text of subparagraph (b) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting new introductory text, without impacting its parts, to read as follows:

Definitions - The following terms are defined as they uniquely apply to this paragraph. All other terms shall have the meaning given to them in Chapter 1200-03-02, Chapter 0400-30-38, Chapter 1200-03-30, Chapter 1200-03-31, Chapter 0400-30-32, and Chapter 1200-03-20.

(Notice to subparagraph (b) of this paragraph: The reader is cautioned that additional definitions have been added to this subparagraph (b). As a result, not all definitions are alphabetized.)

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Subpart (iii) of part 1 of subparagraph (c) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting the following:

- (iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Federal Clean Air Act, Chapter 0400-30-38, or Chapter 1200-03-31 except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Federal Clean Air Act or Chapter 0400-30-32;

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 1200-03-32
Prevention of Accidental Releases

Repeal

Chapter 1200-03-32 Prevention of Accidental Releases is repealed.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 0400-30-32
Prevention of Accidental Releases

New Rules

Table of Contents

0400-30-32-.01 Purpose and Intent
0400-30-32-.02 Definitions
0400-30-32-.03 Duty to File Risk Management Plans

0400-30-32-.01 Purpose and Intent.

It is the objective of this chapter to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to this chapter. These substances have been determined by the Board to be potentially hazardous to the public if accidentally released into the ambient air. The general intent of these rules is to correspond to the federal regulations promulgated under Section 112(r) of the Clean Air Act, 42 U.S.C. 7412(r).

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

0400-30-32-.02 Definitions.

“Federal Clean Air Act” means the Clean Air Act, as amended, 42 U.S.C. 7401 to -7671q.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

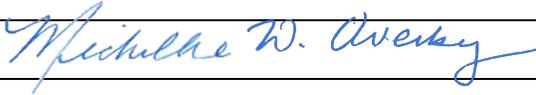
0400-30-32-.03 Duty to File Risk Management Plans.

- (1) Sources that are subject to the provisions of Section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder must file a risk management plan with the United States Environmental Protection Agency (EPA) in the method and format specified by the EPA. Sources must keep a copy of the risk management plan and confirmation of EPA's receipt of the plan, and provide such documents to the Technical Secretary upon request. If a source is subject to the permitting requirements of paragraph (11) of Rule 1200-03-09-.02 and has failed to timely file its risk management plan with the EPA, the Technical Secretary shall place the source on a schedule of compliance to develop and file the risk management plan. The schedule of compliance shall be placed in the source's operating permit consistent with the provisions of subpart (11)(e)3(iii) of Rule 1200-03-09-.02.
- (2) The Technical Secretary is specifically authorized to request information from sources for the purpose of determining whether or not they are subject to Section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder.
- (3) Sources subject to the permitting requirements of paragraph (11) of Rule 1200-03-09-.02 that have filed a risk management plan shall annually certify in writing to the Technical Secretary that they properly followed their risk management plan in the preceding calendar year. The annual certification must be submitted to the Technical Secretary no later than January 31 of each year.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 12, 2026

Signature: 

Name of Officer: Michelle W. Owenby

Title of Officer: Director of the Division of Air Pollution Control

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Tre Hargett
Secretary of State

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Chapter 1200-03-09
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~~NOTICE- (Notice to subparagraph (b) of this paragraph: THE READER IS CAUTIONED THAT ADDITIONAL DEFINITIONS HAVE BEEN ADDED TO SUBPARAGRAPH 1200-03-09-.02(11)(B) DURING RULEMAKING. AS A RESULT, NOT ALL DEFINITIONS ARE ALPHABETIZED. The reader is cautioned that additional definitions have been added to this subparagraph (b). As a result, not all definitions are alphabetized.)~~

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Subpart (iii) of part 1 of subparagraph (c) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting the following:

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Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 1200-03-32
Prevention of Accidental Releases

Repeal

Chapter 1200-03-32 Prevention of Accidental Releases is repealed.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 0400-30-32
Prevention of Accidental Releases

New Rules

Table of Contents

~~1200-03-32-.01~~ 0400-30-32-.01 Purpose and Intent
~~1200-03-32-.02~~ 0400-30-32-.02 Definitions
~~1200-03-32-.03~~ 0400-30-32-.03 Duty to File ~~Accidental Release~~ Risk Management Plans

~~1200-03-32-.01~~ 0400-30-32-.01 Purpose and Intent.

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Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

~~1200-03-32-.02~~ 0400-30-32-.02 Definitions.

“Federal Clean Air Act” means the Clean Air Act, as amended, 42 U.S.C. 7401 ~~to -7671g, et seq. as amended by Public Law No. 101-549 (November 15, 1990).~~

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

~~1200-03-32-.03~~ 0400-30-32-.03 Duty to File ~~Accidental Release~~ Risk Management Plans.

- (1) Sources ~~which that~~ are subject to the provisions of Section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder, ~~must file a copy of any plan or submittal required therein with the Technical Secretary a risk management plan with the United States Environmental Protection Agency (EPA) in the method and format specified by the EPA. Sources must keep a copy of the risk management plan and confirmation of EPA’s receipt of the plan, and provide such documents to the Technical Secretary upon request.~~ If ~~such~~ a source is subject to the permitting requirements of ~~Paragraph~~ paragraph (11) of Rule 1200-03-09-.02(11) and has failed to timely file ~~their~~ its risk management plan with the ~~the United States Environmental Protection Agency EPA,~~ the Technical Secretary shall place ~~them~~ the source on a schedule of compliance to develop and file the risk management plan. The schedule of compliance shall be placed ~~on~~ in the source’s operating permit consistent with the provisions of ~~Subpart subpart (11)(e)3(iii) of Rule 1200-03-09-.02(11)(e)3(iii).~~
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Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 12, 2026

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Director of the Division of Air Pollution Control

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Tre Hargett
Secretary of State