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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:	Environment & Conservation
Division:	Air Pollution Control
Contact Person:	Mark A. Reynolds
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
Phone:	(615) 532-0559
Email:	mark.a.reynolds@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:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor 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:	Jennifer.Katzenmiller@tn.gov

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

Address 1:	Conference Room 15A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	November 3, 2020		
Hearing Time:	10:30 AM	_X_CST/CDT ___EST/EDT	

The Department of Environment and Conservation is committed to the Tennessee Pledge and reopening responsibly. All individuals planning to attend this hearing are asked to follow the current recommended guidelines for social distancing, hygiene, and wearing protective equipment when appropriate.

Alternate Hearing Option (An electronic participation option is also available. If the In-Person Hearing is Prohibited or Otherwise Inappropriate the Hearing will be Electronic-Only)

Method 1:	**You may also join electronically.** **Join by going to this link:** **https://urldefense.com/v3/__https://tngov.webex.com/tngov/j.php?MTID=m3523409d4da600861e44e229e8afb48d__;!!PRtDf9A!-TFztxrTx8nrR5SrDIjXbs2MT9USuQ_Dvb0Nb9qtR4QgoEONngTTmmtdBOmaJlnF5g$**

	Meeting number (access code): 171 773 5094 **Meeting password: iSVutVN5F83**
Method 2:	**Join by phone** **1-415-655-0003** **Access code: 171 773 5094** **Global call-in numbers are available online at:** **Link for Global Call-in Numbers**

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 Lida Warden at (615) 532-0554 for more information.

The proposed amendments to Chapters 1200-03-09 and 1200-03-21 will adopt by reference the current version of 40 CFR Part 51 Appendix W, which is the federal guideline on air quality models. The U.S. Environmental Protection Agency (EPA) is requiring this amendment as part of the approval process for the Infrastructure State Implementation Plan (iSIP) for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). The EPA identified reference to an outdated version of 40 CFR Part 51 Appendix W in the state rules. The EPA will not fully approve Tennessee's Ozone iSIP until the state rule is amended.

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board (Board) for the promulgation of amendments to the Tennessee Air Pollution Control Regulations under the authority of Tennessee Code Annotated, section 68-201-105. The comments received at this hearing will be distributed to the members of the Tennessee Air Pollution Control Board for their review in regard to the proposed rule amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated section 4-5-201 to 4-5-325 and will take place in Conference room 15A of the William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to November 3, 2020 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 22nd Floor, Nashville, Tennessee 37243, (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of these rule changes, you may contact Mark A. Reynolds at (615) 532-0559. For complete copies of the text of the notice, please contact Mark Reynolds, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243 or via e-mail at mark.a.reynolds@tn.gov.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. § 68-201-105, which authorizes the Board to promulgate rules.

All persons interested in the air quality of the state of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the promulgation of amendments to the Tennessee Air Pollution Control Regulations. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. CDT on November 3, 2020, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on November 3, 2020. Comments may be submitted via e-mail to Air.Pollution.Control@tn.gov.

Revision Type (check all that apply):

X 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-.01	Construction Permits

Chapter Number	**Chapter Title**
1200-03-21	General Alternate Emission Standards
Rule Number	**Rule Title**
1200-03-21-.01	General Alternate Emission Standard

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

Subparagraph (f) of paragraph (1) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

(f) In the issuance of construction permits for new air contaminant sources, or modifications, source impact analysis shall demonstrate that allowable emission increases would not cause or contribute to air pollution in violation of any ambient air quality standard in Chapter 1200-03-03, of any national ambient air quality standard, or any applicable maximum allowable increase as defined in paragraph (4) of this rule. As required, all estimates of ambient concentrations shall be based on applicable air quality models and databases acceptable to the Technical Secretary and meeting the requirements specified in 40 CFR Part 51 Appendix W. The provisions of 40 CFR Part 51 Appendix W are hereby adopted by reference as published in the July 1, 2019 edition of Code of Federal Regulations (CFR). Where an air quality impact model specified in 40 CFR Part 51 Appendix W is inappropriate, the Technical Secretary may approve use of a modified model or substituted model on a case-by-case basis after consultation with and upon written approval from the EPA Administrator.

Authority: T.C.A. §§ 68-201-101 through -121 and 4-5-201 through -231.

Subparagraph (k) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

(k) Air Quality Models.

As required under this paragraph, all estimates of ambient concentrations shall be based on applicable air quality models and databases acceptable to the Technical Secretary and meeting the requirements specified in 40 CFR Part 51 Appendix W. The provisions of 40 CFR Part 51 Appendix W are hereby adopted by reference as published in the July 1, 2019 edition of the Code of Federal Regulations (CFR), Where an air quality impact model specified in 40 CFR Part 51 Appendix W is inappropriate, the Technical Secretary may approve use of a modified model or substituted model after consultation with the EPA Administrator. The use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with subparagraph (l) of this paragraph.

Authority: T.C.A. §§ 68-201-101 through -121 and 4-5-201 through -231.

Chapter 1200-03-21
General Alternate Emission Standards

Amendments

Subparagraph (c) of paragraph (2) of Rule 1200-03-21-.01 General Alternate Emission Standard is amended by deleting it in its entirety and substituting instead the following:

(c) The air contaminant source shall verify through modeling, consistent with the requirements specified in 40 CFR Part 51 Appendix W, that this alternate emission standard will yield equivalent or improved air quality for the pollutant involved. The provisions of 40 CFR Part 51 Appendix W are hereby adopted by reference as published in the July 1, 2019 edition of the Federal Regulations (CFR). For volatile organic compound emissions, modeling for ozone impacts may be required. Air quality need not improve or stay the same at every location affected by the alternate emission standard, but on balance, the air quality of the affected area must not be adversely affected. This will be demonstrated by modeling all included emission points at the proposed alternative levels and at the allowable emission level for sources subject to emissions standards in Chapter 1200-3-19 for the pollutant involved. The lower of either the allowable emission under other chapters in Division 1200-3 or actual emissions shall be used in all other modeling. In addition, the source shall demonstrate that the use of the alternate emission standard will not interfere with the attainment or maintenance of any ambient air quality standard nor violate any applicable ambient air quality standard nor violate any applicable ambient air increment.

Authority: T.C.A. §§ 68-201-101 through -121 and 4-5-201 through -231.

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: August 20, 2020

Signature: Michelle W. Owenby

Name of Officer: Michelle W. Owenby

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

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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Filed with the Department of State on: _____

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Tre Hargett
Secretary of State