



**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF AIR POLLUTION CONTROL**

Davy Crockett Tower, 7<sup>th</sup> Floor  
500 James Robertson Parkway  
Nashville, TN 37243

APC-SIP-G-02- Fees for Nonmetallic Mineral General Permit - 08052024

**DRAFT Guidance on Fees for the General Permit for Nonmetallic Mineral Crushing and Sizing Operations**

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE: September 17, 2024**

Signatures:

*Michelle W. Avery*

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Division Director

*Michael D. Lewis*

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Reviewer – Office of General Counsel

*Erin Jay Blake*

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Reviewer – Environmental Fellow

*Jonas P. Johns*

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Preparer – Division Deputy Director

**PURPOSE**

The purposed of this guidance is to clarify the fee requirements for the recently issued General Permit for Nonmetallic Mineral Crushing and Sizing Operations with Wet Suppression.

## **BACKGROUND**

On November 9, 2023, the Air Pollution Control Board (the “Board”) approved revisions to Tennessee Air Pollution Control Regulation (“TAPCR”) 1200-03-26-02, which removed the fee exemption for facilities covered under a general permit and added both construction permit application fees and annual fees for several general permit categories, including “portable rock crushers.” The annual fee for this category includes a “Permit Review Fee” for rock crushers located at conditional major facilities. The effective date of the changes to TAPCR 1200-03-26-02 was March 3, 2024. However, since the construction and annual fees for facilities covered by general permits are new fees within the meaning of Tennessee Code Annotated section 4-5-229(a), these new fees shall take effect on July 1, 2024.

On April 18, 2024, the Technical Secretary issued general permit G00004 (the “general permit”) for Nonmetallic Mineral Crushing and Sizing Operation with Wet Suppression. Between adoption of the rule updating permit fees by the Board and issuance of this general permit, the facility description listed on the general permit was changed from “Portable Rock Crushers” to “Nonmetallic Mineral Crushing and Sizing Operation with Wet Suppression.” The new general permit covers stationary crushing and sizing operations in addition to portable ones.

During development of the general permit, the Division determined that coverage of nonmetallic mineral crushing and sizing operations under the general permit would be limited to true minor facilities because all emissions are fugitive in nature and do not count toward Title V or PSD applicability. The only instances in which a nonmetallic mineral crushing and sizing operation could become a conditional major facility would be if it were located inside of an enclosed structure or co-located with and under the same ownership as another facility<sup>1</sup> that was independently a conditional major source (a common example is where a company owns both an asphalt plant and a quarry at the same site). That co-located and co-owned conditional major facility would be subject to a Permit Review Fee for conditional major sources.

### **CONSTRUCTION FEES FOR FACILITIES SUBMITTING A NOTICE OF INTENT (NOI) TO BE COVERED BY GENERAL PERMIT G0004**

TAPCR 1200-03-26-.02(5)(a)4. sets a construction and modification permit application fee for portable rock crushers at \$100 for any owner or operator of a source that submits an NOI for coverage under a general permit that will serve as a construction permit as well as an operating permit. Since the title of the general permit was changed to “Nonmetallic Mineral Crushing and Sizing Operation with Wet Suppression” and will cover both stationary and portable operations, the \$100 application fee specified for portable rock crushers applies to any owner or operator of any nonmetallic mineral crushing operation with wet suppression that

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<sup>1</sup> The term “facility,” for purposes of this document, is used to refer to all equipment owned by the same person (any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, Commission, or Department of the United States Government, or of the State of Tennessee Government; or any other legal entity, or their legal representative, agent, or assigns) and operating under the same two-digit SIC code at a physical location and not as “affected facility” is defined under 40 CFR 60.2.

submits an NOI for coverage under general permit G00004 when such permit will serve as both a construction permit as well as an operating permit.

**ANNUAL FEES FOR FACILITIES COVERED BY GENERAL PERMIT G0004**

TAPCR 1200-03-26-.026)(f) specifies a Combined Annual Emission Fee and Base Fee of \$1,000 for portable rock crushers at both true minor and conditional major facilities plus a \$500 Permit Review Fee for Portable rock crushers at Conditional Major Facilities. Since the title of the general permit was changed to “Nonmetallic Mineral Crushing and Sizing Operation with Wet Suppression” and will cover both stationary and portable operations, the \$1,000 Combined Annual Emission Fee and Base Fee specified for portable rock crushers must be paid by any facility in order to receive a Notice of Coverage (NOC) under general permit G00004 for Nonmetallic Mineral Crushing and Sizing Operation with Wet Suppression. The \$500 Permit Review Fee is not applicable to facilities that have received an NOC for coverage under general permit G00004 since the Division has determined that nonmetallic mineral operations covered under general permit G00004 cannot be conditional major facilities unless collocated with an additional, independent conditional major facility.

**REVISION HISTORY TABLE**

Revision Number	Date	Brief Summary of Change
0	August 5, 2024	Original Document