



APC – Perm – G – 05 – Construction Permits at Existing Unpermitted Sources-05-06-2025

Construction Permits at Existing Unpermitted Sources

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EFFECTIVE DATE: MAY 6, 2025

Signatures:

Division Director

Reviewer – Office of General Counsel

Reviewer - Division Deputy Director

Preparer - Environmental Consultant 4

PURPOSE

The purpose of this guidance is to specify when a construction permit is needed at an existing unpermitted air contaminant source.



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Background and Conclusions

The earliest version of Chapter 1200-03-09 of the Tennessee Air Pollution Control Regulations (TAPCR) became effective on April 3, 1972. An amendment to this rule chapter was filed with the Secretary of State on September 12, 1973, and contained the language, "On and after April 3, 1972, no person shall begin the construction of a new air contaminant source or the modification of an air contaminant source existing prior to April 3, 1972, which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit for the construction or modification of such air contaminant source."

Chapter 1200-03-09 was repealed in its entirety and replaced by a new chapter effective February 9, 1977. This new version did not contain the April 3, 1972, applicability date mentioned in the 1972 version of Chapter 1200-03-09.

Since no subsequent versions of Chapter 1200-03-09 contain a specific date after which a construction permit is required and the original rule was repealed in its entirety, by default the effective date of February 9, 1977, is that date. Therefore, sources constructed or modified on or after February 9, 1977, must have applied for and received from the Technical Secretary a construction permit for the construction or modification of any air contaminant source prior to beginning construction of any new air contaminant source or the modification of any air contaminant source that may result in the discharge of air contaminants.

This guidance memorandum replaces the guidance document dated August 2, 1999, from David Carson, former manager of the construction permit program, addressing this topic.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	05/06/2025	Initial Guidance