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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:	Mark A. Reynolds
Address:	Davy Crockett Tower, 7 th Floor 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	(615) 708-0760
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:	Davy Crockett Tower, 6 th Floor 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:	Jennifer.Katzenmiller@tn.gov

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

Address 1:	Davy Crockett Tower, Floor 7, Conference Room B		
Address 2:	500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	03/26/2025		
Hearing Time:	1:30 PM	<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 Join the meeting now Meeting ID: 274 339 348 459 Passcode: BD7b8WM6
Method 2:	Join with a video conferencing device Tenant key: stateoftn@m.webex.com Video ID: 112 168 687 2 More info
Method 3:	Dial in by phone (audio only) +1 629-209-4396 , 795509214# United States, Triune

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 al (615) 532-0105 o tdec.titlevi@tn.gov para obtener más información.

These amendments will update state rules to identify the current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 C.F.R. Parts 61 and 63 and the federal Standards of Performance for New Stationary Sources from 40 C.F.R Part 60. A cross reference in Chapter 1200-03-09 is being updated as well. By making these amendments, the Board will be able to keep the state regulations in line with the federal regulations and will be able to enforce the federal regulations directly. The Division is also proposing to make minor changes to the asbestos NESHAP such as allowing electronic submittals and the use of state forms. Additional minor changes include clarifying asbestos inspection procedures, who can perform an asbestos inspection, when a notification and waste generator labels are needed, and the definitions for “facility” and “visible emissions.”

There will be a public hearing before the Technical Secretary of the Board regarding the proposed repeals. 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 B of the Davy Crockett Tower, Floor 7, 500 James Robertson Parkway, 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 March 26, 2025, 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, Davy Crockett Tower, 6th Floor, 500 James Robertson Parkway 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) 708-0760. For complete copies of the text of the notice, please contact Mark Reynolds, Davy Crockett Tower, 7th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243 or via e-mail at mark.a.reynolds@tn.gov.

Materials concerning the proposed actions will be available at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>.

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 March 26, 2025, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, Davy Crockett Tower, 7th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on March 26, 2025. Comments may be submitted via e-mail to Air.Pollution.Control@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
0400-30-38	Emission Standards for Hazardous Air Pollutants
Rule Number	Rule Title
0400-30-38-.01	Federal Standards Incorporated by Reference

Chapter Number	Chapter Title
0400-30-39	Standards of Performance for New Stationary Sources
Rule Number	Rule Title
0400-30-39-.01	Federal Standards of Performance for New Stationary Sources

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.07	Permits-by-Rule

Chapter Number	Chapter Title
1200-03-18	Volatile Organic Compounds
Rule Number	Rule Title
1200-03-18-.24	Gasoline Dispensing Facilities

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 0400-30-38
Emission Standards for Hazardous Air Pollutants

Amendments

The introductory text to paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

- (1) The provisions of the subparts and appendices of 40 ~~CFR~~ C.F.R. Part 63 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the ~~July 1, 2020~~ July 1, 2023 edition of the Code of Federal Regulations ~~(CFR)~~ (C.F.R.), except as provided in subparagraph (a) of this paragraph. ~~In certain cases, a different version of the federal regulation is incorporated by reference which will be specified in subparagraph (b) of this paragraph.~~

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

- (a) Any reference contained in 40 ~~CFR~~ C.F.R. Part 63 (as published ~~July 1, 2020~~ in the July 1, 2023 edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

- (2) The provisions of the subparts and appendices of 40 ~~CFR~~ C.F.R. Part 61 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the ~~July 1, 2020~~ July 1, 2023 edition of the Code of Federal Regulations ~~(CFR)~~ (C.F.R.), except as provided in subparagraph (a) of this paragraph. ~~In certain cases, a different version of the federal regulation is incorporated by reference which will be specified in subparagraph (b) of this paragraph.~~

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its parts:

- (a) Any reference contained in 40 ~~CFR~~ C.F.R. Part 61 (as published ~~July 1, 2020~~ in the July 1, 2023 edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 13 of subparagraph (b) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

13. 40 ~~CFR Part~~ C.F.R. Part 61 Subpart M: National Emission Standard for Asbestos, except:

- (i) The following definitions of “facility” and “visible emissions” shall replace the definitions “facility” and “visible emissions” in 40 C.F.R. § 61.141:

“Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units under the same roof); any public bridge; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this rule is not excluded, regardless of its current use or function.

“Visible emissions” mean any emissions that are visually detectable without the aid of instruments, coming from RACM, asbestos-containing waste material, a regulated area, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor. The definition of “regulated area” contained in 29 C.F.R. § 1910.1001(b) is hereby incorporated by reference as published in the July 1, 2023 edition of the Code of Federal Regulations.

- (ii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.145(a) without impacting the remainder of 40 C.F.R. § 61.145(a):

Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, an asbestos inspector or an asbestos management planner, accredited in accordance with Chapter 1200-01-20, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The accredited inspector or management planner shall inspect all areas of the facility that will be affected by the demolition or renovation operation to identify the locations of all suspect ACM. For a pre-demolition inspection, destructive sampling techniques shall be utilized. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

- (iii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(1):

Provide the Technical Secretary with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (iv) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(2):

Update/revise the notice when any previously notified information changes, including but not limited to, when the amount of asbestos affected increases or decreases more than twenty percent, when the start or completion date changes, when the disposal site changes, or the project has been cancelled.

- (v) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(A)(2):

Provide the Technical Secretary with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (vi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(B)(2):

For demolitions covered by paragraph (a)(2) of this section, provide the Technical Secretary written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (vii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(C):

In no event shall an operation covered by this paragraph begin on a date other than the date contained in the original written notice or the new start date contained in a revised written notice.

- (viii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(ii):

Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator. Printed name and signature of the facility owner and operator (or their representative) certifying that the notification information is correct.

- (ix) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(iii):

Type of operation: demolition or renovation. An indication of whether asbestos is present.

- (x) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(5):

The information required in paragraph (b)(4) of this section must be reported using a form available from the Technical Secretary.

- (xi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(c)(8):

Effective one year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every two years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste

disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Technical Secretary at the demolition or renovation site. Accreditation as an accredited supervisor in accordance with Chapter 1200-01-20 shall satisfy the requirement of this paragraph.

- (xii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.149(e)(1) without impacting the remainder of 40 C.F.R. § 61.149(e)(1):

Maintain asbestos waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

- (xiii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.150(a)(1)(v):

For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated prior to being placed into the waste transport vehicle.

- (xiv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.150(d)(1) without impacting the remainder of 40 C.F.R. § 61.150(d)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

- (xv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.154(e)(1) without impacting the remainder of 40 C.F.R. § 61.154(e)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Chapter 0400-30-39
Standards of Performance for New Stationary Sources

Amendments

The introductory text to paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

- (1) The provisions of the subparts and appendices of 40 C.F.R. Part 60 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, ~~2022~~ 2023, edition of the Code of Federal Regulations, except as provided in subparagraph (a) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

- (a) Any reference contained in 40 C.F.R. Part 60 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 53 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

53. ~~Reserved~~ 40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 54 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

54. ~~40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines~~ 40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 55 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

55. ~~40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants~~ 40 C.F.R. Part 60 Subpart KK: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 56 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

56. 40 C.F.R. Part 60 Subpart KK_a: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 58 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

58. 40 C.F.R. Part 60 Subpart MM: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 59 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

59. ~~Reserved~~ 40 C.F.R. Part 60 Subpart MMA: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 93 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

93. ~~Reserved~~ 40 C.F.R. Part 60 Subpart TTTa: Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subparagraph (b) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

- (b) Emergency stationary reciprocating internal combustion engines subject to the provisions of part (1)(b)102 of Rule 0400-30-38-.01.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Subparagraph (e) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

- (e) 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 part (1)(b)136 of Rule 0400-30-38-.01. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for permit-by-rule.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Chapter 1200-03-18
Volatile Organic Compounds

Amendments

The introductory text to paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

- (1) The provisions of 40 ~~CFR~~ C.F.R. Part 63 Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities) are hereby adopted by reference as published in the ~~July 1, 2014~~ July 1, 2023 edition of the Code of Federal Regulations (~~CFR~~) (C.F.R.), except as provided in subparagraphs (a) through (d) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee;

Authority: T.C.A. §§ 68-201-101, et seq. 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: January 7, 2025

Signature: _____

Name of Officer: Michelle W. Owenby

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

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State