

Non-Title V Fee Changes: Frequently Asked Questions

- **Q:** What is a Non-Title V Source?

A: Non-Title V sources are air pollution sources that require an air permit but do not have the potential to emit regulated air pollutants at levels that would classify them as major sources or are otherwise not required to obtain a Title V permit. Non-Title V sources include conditional major (CM) and true minor (TM) sources. There are approximately 360 CM and 7,000 TM facilities in Tennessee.

- **Q:** Why is TDEC increasing Non-Title V fees?

A: Current expenses exceed revenue for the Non-Title V program. Non-Title V fees have not increased since 2011, while the cost of operating the Non-Title V program for facilities across Tennessee continues to rise each year in response to inflation and the implementation of the Tennessee Excellence, Accountability and Management (TEAM) Act. Enhancing the Non-Title V fees will provide financial resources to continue services for the Non-Title V program, including permitting, air monitoring, inspections, air quality planning, and compliance assurance. The volume of work performed for Non-Title V facilities has also increased exponentially during Tennessee's economic growth from 2018 to present day.

- **Q:** How is the Non-Title V program funded?

A: The Non-Title V program is currently funded by several different sources including:

- state general funds
- federal program grants
- annual emission fees
- construction permit application fees
- civil penalties

- **Q:** What fees are changing?

A: The Air Pollution Control Board proposes to amend its rules for Non-Title V sources to:

- modify the construction permit application fee structure
- increase the annual emissions fee
- increase the conditional major review fee
- propose a new fee for amendment requests to extend the expiration date of a construction permit for both Non-Title V and Title V sources.

These amendments would apply to both individual and general permits.

- **Q:** How much is the annual emission fee increasing?

A: The rule revision would increase the annual emission fee from \$18.75 per ton to \$28.00 per ton of allowable emissions of regulated pollutants in the facility's permit. The allowable emissions are determined by the state and federal regulations.

- **Q:** Can the allowable emissions limit in my permit be adjusted?

A: Yes, the Division regulations allow a facility to take a lower allowable emission limit. Since annual emissions fees are paid on allowable emissions, a facility could lower their total annual emissions fees by lowering their allowable emissions.

- **Q:** When will the fee revisions become effective?

A: The revised construction permit application fee would be effective **July 1, 2027**. The revised annual emission fee and conditional major permit review fee would be effective for annual fees due **November 1, 2027** and afterwards. The new amendment fee for a construction permit extension request would become effective on **January 1, 2029**.

- **Q:** What types of facilities may be eligible for general permits?

A: Currently, general permits are only available for Non-Title V sources. To date, there are general permits for dry cleaners, concrete batch plants, and nonmetallic mineral crushing and sizing operations. The Division is also working on a general permit for asphalt plants, for more information visit the: [TDEC website for general permits](#).

- **Q:** When is the public hearing?

A: The public hearing for the Non-Title V Fee Rule will take place on August 13, 2026, at 1:30 p.m. CT, in the First-Floor Conference Room 1-A of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, 37243, and via Webex. The Division will also host an informal Question and Answer (Q&A) session starting promptly at 12:30pm CT at the same location. The informal session will include a brief presentation of the proposed fee changes followed by a Q&A period.

- **Q:** How do I submit public comments?

A: Public Comments and questions can be submitted to the Department of Environment and Conservation, Division of Air Pollution Control, Davy Crockett Tower, 500 James Robertson Parkway, 7th Floor, Nashville, Tennessee 37243 or via email to Air.Pollution.Control@tn.gov. The public comment period ends on August 13, 2026, at 4:30pm CT.