

**AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
312 Rosa L. Parks Avenue
Wednesday August 12, 2020
9:30 A.M.**

Location: Remote, via WebEx

	Item	Presenter	Page
1.	Roll Call		
2.	Approval of the June 10, 2020 Air Pollution Control Board Meeting Minutes		2.
	General Business		
3.	Ozone iSIP/Appendix W Rule Revision	Mark Reynolds	11.
4.	Title V Financial Update	Deputy Commissioner Young and Mary-Margaret Chandler	
5.	Briefing – Revisions to 1200-03-14 Ambient Monitoring Requirements	Travis Blake	27.
6.	Proposed Revisions to TAPCR 1200-03-10	Travis Blake	

The meeting will be held in compliance with Tennessee Code Annotated Section 8-44-108, as amended by Chapter 490 of the 1999 Public Acts of the Tennessee General Assembly. The meeting will be conducted permitting participation by electronic or other means of communication. Consequently, some members of the Tennessee Air Pollution Control Board are allowed to and may participate by electronic or other means of communication and may not be physically present at the announced location of the meeting.

Individuals with disabilities who require special accommodations or alternate communications formats should contact us at the Tennessee Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, Division of Human Resources, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, Tennessee 37243 at (615) 532-0200 (or TDD 1-800-848-0298 for hearing impaired callers) no less than five (5) days prior to the scheduled meeting so reasonable accommodations can be made.

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday June 10, 2020 at 9:30 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the "Board"), began its meeting on the 15th Floor of the Tennessee Tower in Conference Rooms A and B. The following Board members were present via WebEx.

Dr. Ronnè Adkins
Dr. John Benitez
Ms. Karen Cisler
Dr. Joshua Fu
Mr. Steve Gossett
Mr. Mike Haverstick
Dr. Shawn Hawkins
Mr. Richard Holland
Ms. Caitlin Jennings
Mayor Ken Moore
Ms. Amy Spann
Mr. Greer Tidwell
Mayor Larry Waters
Mr. Jimmy West

Ms. Michelle Owenby, Director of Air Pollution Control, served as the Technical Secretary.

The Technical Secretary welcomed Board members, presenters and attendees to the board meeting for June 10, 2020 and made the following statement: This meeting of the Tennessee Air Pollution Control Board is being held in compliance with Executive Order 16, issued by Governor Lee on March 20, 2020 (extended by Executive Order 34, issued by Governor Lee on May 6, 2020). In an effort to protect the health, safety and welfare of Tennesseans in light of the COVID-19 outbreak, this meeting is being held electronically via WebEx.

Ms. Owenby then turned the meeting over to the Vice-Chair, Mayor Larry Waters.

Mayor Waters asked for a roll call and the response was as follows:

Dr. Adkins	present	Mr. Holland	present
Dr. Benitez	present	Ms. Jennings	present
Ms. Cisler	present	Mayor Moore	present
Dr. Fu	present	Ms. Spann	present
Mr. Gossett	present	Mr. Tidwell	present
Mr. Haverstick	present	Mayor Waters	present
Dr. Hawkins	present	Mr. West	present

All fourteen (14) Board members were present.

The first item on the agenda was the approval of the February 26, 2020 Board Meeting Minutes. Mayor Moore made a motion to approve and Dr. Fu seconded. The February 26, 2020 minutes were approved as written.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins	yes	Mr. Holland	yes
Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes
Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes
Dr. Hawkins	yes	Mr. West	yes

The motion carried with fourteen (14) affirmative votes.

TDEC OGC attorney Steven Stout read the following statement and asked the Board to make the determination required by its rule to satisfy CAA sec. 128 as part of the SIP.

The Division of Air Pollution Control (or Office of General Counsel) wants to advise the Board that the required annual conflict-of-interest disclosures and acknowledgements required from the board membership have been signed and submitted. Based on the final tally from the members' disclosures and acknowledgement , the board has a basis to make the determination required by rule 0400-30-17-.02 that the Board has "at least a majority of members who represent the public interest and who do not derive any significant portion of their income from persons subject to permits or enforcement orders under this rule division, 0400-30 or rule division 1200-03.'as these terms are specially defined in the rule based on EPA guidance. By a count of 8-6 for a 14 member board. The Board is requested to recognize the tally and adopt this determination to be placed in its minutes to fulfill the requirement of the rule.

The Board by roll call vote (unanimous?) made the determination as required by the rule.

Dr. Adkins	yes	Mr. Holland	yes
Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes
Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes
Dr. Hawkins	yes	Mr. West	yes

The motion carried with fourteen (14) affirmative votes.

Mr. Marc Corrigan with the division presented the Board with the Certificate of Exemption (COE's) for the four local programs. Board Order 20-016, Davidson County, 20-017, Hamilton County, 20-018, Knox County and 20-019 Shelby County regarding the renewals of each of the four COE's.

Mr. Corrigan stated that Tennessee's Air Quality Act in Title 68 allows local governments an exemption from state supervision, essentially to have their own air pollution control

program. Additionally, the TCA provides that so long as they have provisions enacted that are not less stringent than those of the State and that such provisions are being adequately enforced, the COE shall be granted.

These certificates can be for a duration of up to two years. Each of the current COE's expire on June 30th, 2020. The new certificates are proposed for the period July 1, 2020 through June 30, 2022. The Technical Secretary is recommending renewal of each of the COE's as proposed.

Mr. Corrigan indicated that there were representatives here this morning from each of the local programs; they were asked to briefly address the Board. Mr. Corrigan introduced each of the four local program representatives, sequentially, to address the Board:

John Finke, Director of the Division of Pollution Control for Metro Nashville and Davidson County

Robert Colby, Director of the Chattanooga/Hamilton County Air Pollution Control Bureau

Brian Rivera, Director of the Department of Air Quality Management for Knox County

Larry Smith, Assistant Manager of the Air Pollution Control Program for Shelby County (Mr. Bob Rogers, Technical Manager is unable to be with us this morning).

Mr. Corrigan concluded by answering questions from the Board.

Mr. Tidwell made a motion to approve all four Board Orders and Dr. Benitez seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins	yes	Mr. Holland	yes
Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes
Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes

Dr. Hawkins

yes

Mr. West

yes

The motion carried with fourteen (14) affirmative votes.

Mr. Corrigan presented the Board with a brief overview of the Limited Maintenance Plan (LMP) for Montgomery County, Board Order 20-020.

Mr. Corrigan stated the reason we have prepared this maintenance plan is essentially in response to a recent court decision. The Environmental Protection Agency revoked the 1997 8-hour ozone National Ambient Air Quality Standard, or NAAQS, effective April 5, 2015, when they implemented a newer, more restrictive ozone standard, the 2008 ozone standard. EPA's 2008 8-hour ozone Implementation Plan Requirements rule provided that states were no longer responsible, under certain conditions, for developing and submitting maintenance plans for former 1997 ozone NAAQS nonattainment areas. Certain aspects of EPA's Implementation Plan Requirements rule were challenged in court. One of the items challenged was the Agency's rule that excused "orphan maintenance areas," that is, areas that had been redesignated to attainment for the 1997 ozone NAAQS and were initially designated attainment for the 2008 ozone NAAQS, from submitting a second maintenance plan for the 1997 ozone NAAQS.

The Court held that "orphan maintenance areas" are required to submit the second 10-year maintenance plans under Clean Air Act (CAA) section 175A(b). These areas, therefore, must submit a second maintenance plan to ensure maintenance through the full 20-year period following the effective date of redesignation.

EPA made designations for the 1997 8-Hour ozone standard effective June 15, 2004. In the Clarksville Area this included Montgomery County, TN and Christian County, KY.

EPA approved a redesignation request and maintenance plan for Montgomery County, TN effective November 21, 2005. This is an important date, as it starts the 20 year Clean Air Act maintenance requirement. This is the second 10-year maintenance plan, in this case a Limited Maintenance Plan, or LMP.

EPA has published several guidance documents describing LMPs. EPA provides this option to some areas if they meet specific conditions. The key criteria outlined in these documents is that the current air quality levels in the area are substantially below the level of the standard. EPA provided guidance that "substantially" is interpreted as below 85% of the level of the standard, effectively 71 ppb.

An LMP submission may primarily rely on air quality data to demonstrate that the area is not expected to experience a future NAAQS violation, and it does not need to include projected future year emissions inventories or air quality modeling to make that demonstration. Mr. Corrigan presented a power point presentation demonstrating the following information.

Figure 2 in the LMP graphs the ozone design values from Table 1 to help visually illustrate the downward trend in ozone readings in the Clarksville area. As can be seen from Figure 2, the trend in ozone readings has generally been consistently downward or flattening in recent years. The key requirement for this LMP is monitored air quality data readings below 85% of the 1997 8-hour ozone NAAQS, or a DV of 71 ppb, which is shown by the orange horizontal line at 71 ppb.

So, principally based upon this air quality data, Tennessee is petitioning EPA to approve an LMP for the Tennessee portion of the Clarksville 1997 8-hour ozone "Orphan" Area.

For LMPs, a projected emissions inventory is not required, but EPA provided already prepared emissions inventories to illustrate emissions trends in support of LMPs. We've summarized these emissions in two tables, one for NOx and one for VOCs on pages 10 and 11 of the LMP.

Table 2 and Table 3 illustrate by sector, the projected changes in NOx and VOC emissions in Montgomery County between 2014 and 2028. These projected decreases in emissions will ensure that the Clarksville Area will continue maintenance of the 1997 8-Hour ozone NAAQS. Since the ozone redesignation for the Tennessee portion of the Clarksville 1997 8-hour ozone area was effective on November 21, 2005, the 20 year maintenance period ends November 21, 2025. The ozone air quality data and emissions projections assure maintenance of the 1997 8-hour ozone NAAQS throughout that time.

Generally, maintenance plans developed for the ozone NAAQS establish emissions limits, or "budgets" for the on-road transportation sector by means of a motor vehicle emission budget. This is often referred to as transportation conformity.

However, EPA's 1994 guidance, Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas, establishes that emissions budgets in limited maintenance plan areas may be treated as non-constraining for the length of the maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the 1997 8-hour ozone NAAQS would result.

On-road NOx and VOC emissions are expected to decrease approximately 70%, each, between 2014 and 2028. As a result, federal actions requiring transportation conformity determinations under the transportation conformity rule are considered to satisfy the budget test without the need for a regional emissions analysis. Therefore, motor vehicle emission budgets are not established in this limited maintenance plan.

The last element of the maintenance plan Mr. Corrigan mentioned was the contingency plan. Contingency plans assure prompt correction of a NAAQS violation. The primary trigger of the contingency plan will be a quality assured/quality controlled violating design value of the 1997 8-hour ozone NAAQS at any monitor within the maintenance area. Upon activation of the trigger, the State of Tennessee will commence an analysis to determine what additional measures might be necessary to attain or maintain the 1997 8-hour ozone NAAQS.

Contingency measures will be adopted and implemented as expeditiously as possible, but no later than 24 months after the triggering event. Measures that will be considered begin on page 15 of the LMP. Note that other control measures, not included in the list, will be considered if new control programs are deemed more advantageous for this area.

This LMP demonstrates that the Clarksville 1997 8-hour ozone "Orphan" Area continues, and is expected to continue, to maintain compliance with the 1997 8-hour ozone NAAQS. Ozone air quality data shows the area not only meets the 1997 ozone NAAQS, but also meets the two subsequent, and more restrictive ozone NAAQS: the 2008 and 2015 ozone NAAQS. Emissions inventory data and emissions modeling projections conducted by EPA show emissions of NOx and VOC are expected to continue to decrease throughout the maintenance period. Further, in the unlikely event the area should experience a DV violation of the 1997 8-hour ozone NAAQS, a contingency plan is described in the LMP to help expeditiously evaluate and address the violation of the 1997 8-hour ozone NAAQS.

Mr. Corrigan concluded by answering questions from the Board.

After discussion Mayor Moore made a motion to approve and Dr. Fu seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins	yes	Mr. Holland	yes
Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes

Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes
Dr. Hawkins	yes	Mr. West	yes

The motion carried with fourteen (14) affirmative votes.

Mr. Paul LaRock presented the Board with Chapter 1200-03-29, Light Duty Motor Vehicle Inspection and Maintenance - Rule Changes to meet the requirements of Public Chapter 953 Legislation. After discussion Mr. West made a motion to approve and Mr. Haverstick seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins	yes	Mr. Holland	yes
Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes
Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes
Dr. Hawkins	yes	Mr. West	yes

The motion carried with fourteen (14) affirmative votes.

Mr. LaRock presented the Board with Chapter 1200-03-09, Construction and Operating Permits – Rule change to eliminate the need for newspaper notices for permitting activities. After discussion Mayor Moore made a motion to approve and Mr. Tidwell seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins	yes	Mr. Holland	yes
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Dr. Benitez	yes	Ms. Jennings	yes
Ms. Cisler	yes	Mayor Moore	yes
Dr. Fu	yes	Ms. Spann	yes
Mr. Gossett	yes	Mr. Tidwell	yes
Mr. Haverstick	yes	Mayor Waters	yes
Dr. Hawkins	yes	Mr. West	yes

The motion carried with fourteen (14) affirmative votes.

Mr. Jimmy Johnston with the division presented the Board with a power point presentation on the Ambient Monitoring Cost Allocation Analysis. Mr. Johnston answered questions from the Board.

Ms. Martie Carpenter with the division presented the Board with a power point presentation on the Title V Inspection Frequency. Ms. Carpenter answered questions from the Board.

Mr. Jimmy Johnston with the division presented the Board with a power point presentation on the Title V Updates. Mr. Johnston answered questions from the Board.

Mr. Robert Brawner spoke to the Board on the procedure for Remote Signing of Board Orders electronically. Mr. Brawner answered questions from the Board.

Mr. Marc Corrigan mentioned briefly that a memo was included at the end of the Board's packet. This memo addresses a question asked by the Board back in January when discussing the Knoxville LMP. In short, the answer to the Board's question as to the higher than expected emissions of NOx and VOCs in Anderson County are principally attributed to oil and gas exploration and production. More information is available in the memo included in the Board packet.

Mr. Corrigan answered questions from the Board.

There being on further business to discuss Ms. Spann made a motion to adjourn and Mayor Moore seconded the motion.

The meeting was adjourned at 12:38 am.



Department of
**Environment &
Conservation**

Ozone iSIP and Appendix W Rule Revision

Ozone iSIP

- Infrastructure State Implementation Plan (iSIP)
 - 2015 Ozone National Ambient Air Quality Standard (NAAQS)
- iSIP Required by Clean Air Act
 - Sections 110(a)(1) and 110(a)(2)

Ozone iSIP

- Ozone standard of 70 parts per billion (ppb)
 - Promulgated on October 1, 2015
- Deadline for iSIP
 - 3 years after promulgation
 - October 1, 2018
 - TDEC submitted iSIP to EPA on September 17, 2018

Ozone iSIP

- iSIP is a plan that provides for the implementation, maintenance, and enforcement of the ozone standard (NAAQS)

Ozone iSIP

- EPA identified an issue with TN rules related to PSD and modeling
- 40 CFR Part 51 Appendix W
- Guidelines on Air Quality Models
- TN rules reference an older version
- Needs to be updated to latest version

Ozone iSIP

- EPA divided approval of Ozone iSIP into three parts:
 - 1) Prevention of Significant Deterioration (PSD), which includes modeling
 - 2) Prongs 1 & 2 (transport)
 - 3) All other Elements

Ozone iSIP

- TDEC committed to revising rule within one year of conditional approval
- EPA published final Ozone iSIP conditional approval in Federal Register for PSD on April 9, 2020

Proposed Timeline

Event	Date
EPA conditional approval of Ozone iSIP	April 9, 2020
Pre-Draft of Rule to EPA	August 2020
Review of Pre-Draft by EPA	Aug-Sept 2020
Public Notice (30 day comment period)	October 2020
Public Hearing	December 2020
APC Board Approval	January 2021
Rule becomes State effective	April 2021
Submit final rule to EPA	April 2021
Deadline to submit rule revision to EPA	April 9, 2021

Question

Mark A. Reynolds

Environmental Consultant

Tennessee Department of Environment and
Conservation

Division of Air Pollution Control

mark.a.reynolds@tn.gov

(615) 532-0559



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

William R. Snodgrass Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243
(615) 532-0554 Voice or (615) 532-0614 FAX

August 3, 2020

Andres Febres-Martinez
U.S. EPA, Region 4 Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Re: Tennessee Ozone iSIP for 2015 NAAQS
Informal Pre-draft Submittal

Dear Mr. Febres-Martinez:

The Tennessee Department of Environment and Conservation's Division of Air Pollution Control (TDEC-APC) is submitting the attached informal pre-draft of the Appendix W rule revision. As part of the 2015 Ozone NAAQS iSIP approval process, TDEC-APC committed to making this rule revision. Please review and comment on this pre-draft submittal within 30 days.

A copy of the pre-draft Appendix W rule revision is enclosed with supporting documentation. If you have any questions or comments concerning the enclosed materials, please contact Mark Reynolds at (615) 532-0559 or via e-mail at mark.a.reynolds@tn.gov.

Sincerely,

James P. Johnston, PE
Deputy Director
Permitting & Regulatory Development

Department of State**Division of Publications**

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File Date: _____

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, 15 th 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, 15 th Floor
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	mm/dd/yy
Hearing Time:	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://tngov.webex.com/tngov/j.php?MTID=maef7d45ff64b5c3dcb93d2ffd65714d7 Meeting number (access code): 161 960 5644 Meeting password: 3JWytAE2Ce7
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Method 2:	Join by phone 1-415-655-0003 Access code: 161 960 5644 Global call-in numbers are available online at: Link for Global Call-in Numbers
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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 February 13, 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 or 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.

Materials concerning the proposed actions will be available at www.tn.gov/environment/topic/ppo-air

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 **Month, Day Year**, 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.

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
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 data-bases~~ databases acceptable to the Technical Secretary, ~~and meeting the requirements in the EPA publication No. 450/2-78-027R, "Guidelines on Air Quality Models (revised)" (1986), Supplement A (1987), and Supplement C (1995) which are incorporated by reference 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, 2020 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 another 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 et seq. and 4-5-201 et seq.

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.

~~All estimates of ambient concentrations~~ As required under this paragraph, all estimates of ambient concentrations shall be based on ~~the~~ applicable air quality models, ~~databases, and databases acceptable to the Technical Secretary~~ and other ~~meeting the~~ requirements specified in 40 CFR Part 51 Appendix W, ~~which is incorporated by reference.~~ The provisions of 40 CFR Part 51 Appendix W are hereby adopted by reference as published in the July 1, 2020 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 ~~model may be~~ Technical Secretary may approve use of a modified model or another substituted model ~~substituted by the Technical Secretary~~ 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 et seq. and 4-5-201 et seq.

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 ~~Guideline on Air Quality Models (Revised), EPA-450/2-78-027R with 1988 revisions~~ 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, 2020 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 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: _____

Signature: _____

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: _____

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State



STATE OF TENNESSEE

Proposed Rulemaking - 1200-03-14-.01(6)

Overview

- The Division of Air Pollution Control proposes to amend Chapter 1200-03-14 (Control of Sulfur Dioxide Emissions) by modifying 1200-03-14-.01(6). In general, the rule changes would:
 - Add a data completeness requirement for the two years of ambient data collected prior to termination of monitoring.
 - Add an exemption for any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.
- In the same action, we are submitting a 110(l) demonstration that the changes would not interfere with attainment or maintenance of a National Ambient Air Quality Standard (NAAQS), reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the Clean Air Act.
- We will also submit a 2008 rule change that was not submitted as a SIP revision.

Background

- TAPCR 1200-03-14-.01(6) requires every fuel burning installation with a total rated capacity greater than 1,000 MMBtu/hr or of a process emission source emitting more than 1,000 tons per year of SO₂ to comply with the following requirements:
 - Demonstrate that SO₂ emitted alone or in contribution to other sources will not interfere with attainment and maintenance of any primary or secondary air quality standard; or
 - Install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by SO₂ emissions from the source.
- Owners or operators may petition the Technical Secretary to terminate ambient monitoring after two calendar years, provided that (1) the source is located in an attainment area and does not significantly impact an SO₂ nonattainment area; (2) air quality measurements in the vicinity of the source demonstrate that ambient SO₂ levels do not exceed 75% of the ambient air quality standards.

Request for Rulemaking

- Eastman Chemical Company operates one ambient SO₂ monitor in the vicinity of the Ross N. Robinson Middle School in Kingsport. This monitor is currently shut down in accordance with a variance granted by the Board.
- The original variance request (letter from Eastman dated March 21, 2017) requested that APC initiate rulemaking to delete 1200-03-14-.01(6) if it does not apply at any other location within the State.
- The justification for the requested change is that APC is currently multiple ambient SO₂ monitors within Sullivan County (Ross N. Robinson, Sklyand Drive, Happy Hill, Andrew Johnson Middle School). One of APC's monitors (Ross N. Robinson) is co-located with Eastman's monitor.
- During review of the requested change, we identified one other facility (Nyrstar Clarksville, Inc.) required to monitor in accordance with 1200-03-14-.01(6). Based on our review, we determined that deletion of the rule was not appropriate.

Proposed Rule Change

- We are proposing to add an exemption to the ambient monitoring requirement for any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.
- Because 40 CFR Part 58 requires TDEC-APC to operate ambient monitors in the vicinity of certain large SO₂ sources, the rule change would not lead to the loss of ambient air quality data in these areas. Thus, the proposed change would not interfere with attainment or maintenance of a NAAQS, reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the Clean Air Act.
- For other sources that request to terminate ambient monitoring, we are proposing to add a data completeness requirement. SO₂ sources that wish to terminate ambient monitoring must provide two **complete** calendar years of air quality data.
- The rule would define "complete" to mean that all data were collected in accordance with the requirements for data collection, completeness, and quality assurance requirements specified in the source's Title V Operating Permit.



THANK YOU

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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:	Travis Blake
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
Phone:	(615) 532-0617
Email:	travis.blake@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 A
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	mm/dd/yy
Hearing Time:	☒ 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://tngov.webex.com/tngov/j.php?MTID=m7ff6ffd67bff2c8a3792e1d1d082f7c8 Meeting number (access code): 161 448 3209
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	Meeting password: 5SGmw8h2RZt
Method 2:	Join by phone 1-415-655-0003 Access code: 161 448 3209 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.

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan (SIP) pursuant to Tenn. Code Ann. § 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for its consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-201 et seq. and will take place in the 15th Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at _____ AM CDT on _____. Written comments will be included in the hearing records if received by the close of business on _____, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 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 _____. Comments may be submitted via e-mail to Air.Pollution.Control@tn.gov.

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 10 days prior to _____, 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, TN 37243, (866) 253-5827. Hearing impaired callers may use the Tennessee Relay Service, (800) 848-0298.

If you have any questions about the origination of these rule changes, you may contact Travis Blake at (615) 532-0617. For complete copies of the text of the notice, please contact Travis Blake, 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 travis.blake@tn.gov.

FIRST ITEM:

Tennessee proposes to amend Chapter 1200-03-14 (Control of Sulfur Dioxide Emissions) by modifying paragraph (6) of Rule 1200-03-14-.01 (General Provisions). In general, the rule changes would:

1. Add a data completeness requirement for the two years of ambient data collected prior to termination of monitoring.
2. Add an exemption for any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.

SECOND ITEM:

Section 110(l) of the Clean Air Act (CAA) prohibits any revision of a SIP that would interfere with attainment or maintenance of a National Ambient Air Quality Standard (NAAQS), reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the CAA. Because Rule 1200-03-14-.01 is part of

Tennessee's SIP, Tennessee is proposing a demonstration that the two changes proposed above will not contravene the requirements of CAA §110(l).

THIRD ITEM:

As part of this effort, Tennessee will also demonstrate to U.S. EPA that a prior change to Tennessee's SIP in 2008 (removal of Rule 1200-03-14-.01(6)(b)1, which required owners or operators petitioning the Technical Secretary to terminate ambient air quality monitoring to demonstrate that actual sulfur dioxide emissions from a fuel burning installation do not exceed 20,000 tons per year), will not have an impact on NAAQS or CAA compliance.

Specific changes are indicated in a redline/strikeout available at <http://www.tn.gov/environment/topic/ppo-air>. Tennessee's 110(l) demonstration is available at the same web address.

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
1200-03-14	Control of Sulfur Dioxide Emissions
Rule Number	Rule Title
1200-03-14-.01	General Provisions

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 1200-03-14
Control of Sulfur Dioxide Emissions

Amendments

Paragraph (6) of Rule 1200-03-14-.01 General Provisions is amended by deleting it in its entirety and substituting instead the following:

- (6) ~~Except as otherwise allowed by subparagraph (d) of this paragraph, every~~ Every owner or operator of a fuel burning installation having a total rated capacity greater than 1,000 million ~~BTU~~ Btu per hour or of a process emission source emitting more than 1,000 tons per year of sulfur dioxide during ~~calendar year 1972 or~~ any ~~other~~ calendar year ~~thereafter~~ shall:
- (a) Demonstrate to the satisfaction of the Technical Secretary, that the sulfur dioxide emitted, either alone or in contribution to other sources, will not interfere with attainment and maintenance of any primary or secondary air quality standard. Any such demonstration must be based on the allowable emission rate specified in the source's construction or operating permit(s) and the source's maximum rated capacity.
 - (b) Install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by the emissions from such installation. ~~Such Monitoring shall be done performed and results of such monitoring shall be provided in the manner and form directed by prescribed by the Technical Secretary. Results of such monitoring shall be provided to the Technical Secretary in the manner and form as he shall direct.~~ Owners or operators may petition and be granted permission by the Technical Secretary to terminate ambient air quality monitoring provided two complete calendar years of air quality data has been generated in the area under the influence of the source's emissions ~~to verify compliance with the Tennessee Ambient Air Quality Standards.~~ Petitions may be granted only if the conditions of parts 1, 2, and 3 below of this subparagraph are met. For the purpose of this paragraph, "complete" shall mean that all data were collected in accordance with the requirements for data collection, completeness, and quality assurance requirements specified in the source's Title V Operating Permit.
 - 1. Reserved.
 - 2. The source must be located in an attainment area and must not significantly impact a sulfur dioxide nonattainment area.
 - 3. Measurements of air quality in the vicinity of the source demonstrate that ambient sulfur dioxide levels do not exceed 75 percent of the Tennessee Ambient Air Quality Standards.
 - (c) ~~Reserved. All calculations performed pursuant to demonstration required by rule .01(6) shall assume that the process emission source and fuel burning installation is operating at a maximum rated capacity.~~
 - (d) The requirements of subparagraph (b) of this paragraph shall not apply to any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.

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: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Director, Tennessee Division of Air Pollution Control

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State