

AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
Nashville Room, 3rd Floor Tennessee Tower
312 Rosa L. Parks Avenue
In Person and
Remote Access Via WebEx link

Wednesday January 12, 2022
9:30 A.M.

	Item	Presenter	Page
1.	Elect Vice-Chair for 2022		
2.	Roll Call		
3.	Conflict of Interest	OGC	
4.	Approval of the November 10, 2021 Board Meeting Minutes		
5.	Amendments to TAPCR 1200-03-27-.12 (NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines)	Travis Blake	
6.	Source-Specific SIP for Domtar Paper Company, LLC Board Order 21-0148	Travis Blake	
7.	Shelby County SSM SIP Board Order 22-001	Marc Corrigan	

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.

TENNESSEE AIR POLLUTION CONTROL BOARD

Disclosure of Financial Interests or Other Potential Conflicts of Interest

Pursuant to the terms of Tenn. Code Ann. § 68-201-105(e) and Tenn. Comp. R. & Regs. 0400-30-17-.05(2), the undersigned member of the Air Pollution Control Board ("Board") discloses financial interests as of the date below that are or have the potential to become a conflict of interest (in terms of "significant portion of income") in handling a matter that may arise before the Board. The undersigned also discloses any other potential conflicts of interest (as of the date below) with regard to matters that may come before the Board.

DIRECTIONS: Check the appropriate response(s), provide any required explanation(s) in the lines below, and sign and date.

() The undersigned member has none of the financial interests listed below that are or could have the potential to be a conflict of interest.

() The undersigned member falls into one or more of the following financial categories that does or could pose a conflict of interest with a particular source because the member derives a "significant portion of income" from a particular source, as defined in rule 0400-30-17-.02(b).

*Please identify all of the following which are applicable and in the space below identify the name of the source(s) in which there is financial interest. Note the exception for mutual funds and other diversified investments.**

() Receives 10% or more of gross personal income for a calendar year, including retirement benefits, consultant fees, and stock dividends, from persons subject to Division of Air Pollution Control permits or enforcement orders (or 50% or more of gross personal income for a calendar year if the recipient is over 60 years of age and receiving such portion pursuant to retirement, pension, or similar arrangement).

() Receives more than \$5,000 annually in investment income from a source. Said investment is limited to those that arise from the purchase of shares of stock in the source that were purchased on the open market and generally available to any person at that price.

() Receives more than \$100 annually due to a private investment made in a source. Said private investment is one where the purchase of stock or interest in a partnership was made directly with the source and such opportunity was not generally available to the public as a whole.

() Receives a salary in any amount from a source for services rendered.

() Sells or is about to sell property or equipment to a source. For the purposes of this part, equipment does not include consumer goods that are offered to the public at the same price offered to the source.

() Buys or is about to buy property or equipment from a source. For the purposes of this part, equipment does not include consumer goods that can be purchased by the public at the same price the source offered to the Technical Secretary or Board Member.

() Has taken out a loan from a source in any amount unless:

(i) The loan is from a financial institution whose deposits are insured by an entity of the federal government, or such loan is made in accordance with existing law and is made in the ordinary course of business. A loan is made in the ordinary course of business if the lender is in the business of making loans, and the loan bears the usual and customary interest rate of the lender for the category of loan involved is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule;

(ii) The loan is secured by a recorded security interest in collateral, bears the usual and customary interest rate of the lender for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

*For purpose of the categories above, income derived from mutual-fund payments, or from other diversified investments as to which the recipient does not know the identity of the primary sources of income, shall be considered part of the recipient's gross personal income but shall not be treated as income derived from persons subject to permits or enforcement orders under this rule division 0400-30 or rule division 1200-03 (i.e., shall not be treated as a "significant portion of income"). Tenn. Comp. R. & Regs. 0400-30-17-.02(b).

Name of Source(s): _____

() The undersigned has the following other potential conflicts of interest:

() The undersigned has no other potential conflicts of interest.

Signature of Board Member

Date

Please Print Name

TENNESSEE AIR POLLUTION CONTROL BOARD

Acknowledgement -

Policy of Ethics and Conflicts of Interest Rule

Pursuant to Tenn. Code Ann. § 68-201-105(e) and Tenn. Comp. R. & Regs. 0400-30-17-.05(2), the undersigned member of the Air Pollution Control Board ("Board") acknowledges that, as of the date below, he or she has read and understands all aspects of the Board's Policy of Ethics and the Avoidance of Conflicts of Interest rule, found at Tenn. Comp. R. & Regs. 0400-30-17-.05 (the "Rule"). The undersigned also states, as a condition to serving on the Board, that he or she is not in conflict with the conditions of the Rule.

Signature of Board Member

Please Print Name

Date

TENNESSEE AIR POLLUTION CONTROL BOARD

Board Member Determination - Representing the Public Interest

To enable the Air Pollution Control Board ("Board") to determine whether a majority of Board members "represent the public interest", as required by Tenn. Comp. R. & Regs. 0400-30-17-.02(1), the undersigned board member indicates whether, as of the date below, he or she "represents the public interest."*

DIRECTIONS: Check the appropriate response and sign and date below.

I do (☐) / I do not (☐):

Own a controlling interest in;

Have 5% or more of capital invested in;

Serve as an attorney for;

Act as a consultant for;

Serve as an officer or director of; or

Hold any other official or contractual relationship with :

- (1) Either a person subject to permits or enforcement orders under this rule division, 0400-30- or rule division 1200-03**; or
- (2) Any trade or business association of which such person is a member.

Signature of Board Member

Date

Please Print Name

*"Represent the public interest" means not owning a controlling interest in, having 5% or more of his or her capital invested in, serve as attorney for, act as a consultant for, serve as officer or director of, or hold any other official or contractual relationship with, either a person subject to permits or enforcement orders under this rule division, 0400-30 or rule division 1200-03, or a trade or business association of which such a person is a member. Tenn. Comp. R. & Regs. 0400-30-17-.02(2)(a)

**"Persons subject to permits or enforcement orders under this rule division, 0400-30 or rule division 1200-03" or a "source," as used in this chapter, includes any individual, corporation, partnership, or association who holds, is an applicant for, or is subject to any permit, or who is or may become subject to any enforcement order under this rule division, 0400-30 or rule division 1200-03, except that it does not include:

1. An individual who is or may become subject to an enforcement order by reason of his or her ownership or operation of a motor vehicle,
2. Any department or agency of a state, local, or regional government; or
3. Any individual who is involved in the program of an institute of higher learning whose duties do not include the institute's compliance with this rule division, 0400-30 or rule division 1200-03. Tenn. Comp. R. & Regs. 0400-30-17-.02(2)(c).

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday November 10, 2021 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 3rd Floor of the Tennessee Tower in the Nashville Room. The following Board members were physically present.

Dr. Ronnè Adkins
Dr. John Benitez
Joshua Fu
Mr. Richard Holland
Mayor Ken Moore
Ms. Caitlin Jennings
Mayor Larry Waters
Mr. Jimmy West

The following Board member joined the meeting via WebEx

Mr. Mike Haverstick
Dr. Shawn Hawkins
Dr. Churnong Jia
Mr. Greer Tidwell

The following Board members did not attend the meeting

Ms. Amy Spann

Ms. Michelle Owenby, Director of Air Pollution Control, welcomed Board members and those attending via WebEx.

The Vice-Chair asked for a Roll Call and the response was as follows:

Dr. Adkins	present	Dr. Benitez	present
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Dr. Fu	present	Mr. Haverstick	remote
Dr. Hawkins	remote	Mr. Holland	present
Dr, Jia	remote	Ms. Jennings	present
Mayor Moore	present	Ms. Spann	absent
Mr. Tidwell	remote	Mayor Waters	present
Mr. West	present		

The next item on the agenda was the approval of the minutes from the August 11, 2021 Board meeting. Mayor Moore made the motion to approve the minutes and Dr. Fu seconded the motion. The minutes were approved as written.

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

Dr. Adkins	yes	Dr. Benitez	yes
Dr. Fu	yes	Mr. Holland	yes
Ms. Jennings	yes	Mayor Moore	yes
Mayor Waters	yes	Mr. West	yes

The motion carried with eight (8) affirmative votes.

The next item on the agenda was the approval of the minutes from the October 13, 2021 Board meeting. Mayor Moore made the motion to approve the minutes and Dr. Fu seconded the motion. The minutes were approved as written.

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

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

Mayor Waters	yes	Mr. West	yes
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The motion carried with eight (8) affirmative votes.

Deputy Director Jimmy Johnston with the division presented the Board with a power point presentation on the final workload analysis Board Order 21-134 and changes made to the draft workload analysis. Mr. Johnston answered questions from the Board. After discussion Mayor Moore made a motion to approve and Mr. West seconded the motion.

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

Dr. Adkins	yes	Dr. Benitez	yes
Dr. Fu	yes	Mr. Holland	yes
Ms. Jennings	yes	Mayor Moore	yes
Mayor Waters	yes	Mr. West	yes

The motion carried with eight (8) affirmative votes.

Deputy Director Jimmy Johnston gave a power point presentation on the proposed changes to the Title V fee rules. The presentation included a brief summary of the statutory and regulatory requirements regarding fees in general and Title V fees specifically, the proposed changes to the Title V fee rules, information about the webinar held October 6, 2021, and the public hearing held October 18, 2021. Mr. Johnston provided a summary of the comments received on the proposed rule revisions and the Division's responses to those comments. Mr. Johnston answered questions from the Board and recommended approval of the Title V fee rule revisions as proposed. After discussion Mayor Moore made a motion to approve and Mr. West seconded the motion.

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

Dr. Adkins	yes	Dr. Benitez	yes
Dr. Fu	yes	Mr. Holland	abstained
Ms. Jennings	yes	Mayor Moore	yes

Mayor Waters

yes

Mr. West

yes

Mr. Travis Blake with the division presented the Board with a power point presentation on the 2021-0110 APC Board Update on the Landfill Rule. Mr. Blake stated the Division has revised and updated the 2017 State plan, which incorporates 40 CFR 60 Subpart XXX by reference and requested stakeholder input for the rule in 2017 and again in 2020. The EPA proposed a set of technical corrections to Subpart XXX in May 2021, and the division is waiting for these corrections to be finalized before proceeding with rulemaking (since we are adopting the rule by reference, we need the most recent version). Technical corrections to Subpart XXX were expected September 2021 but have not been published. 40 CFR 62 Subpart OOO generally matches 40 CFR 60 Subparts XXX and Cf, but there are additional provisions for "legacy controlled landfills." The federal plan does not require submittal of certain information (e.g., design capacity reports, NMOC emission rate reports) required under previous regulations. The Division has received positive comments from the regulated community on the Federal plan, but Tennessee currently does not have authority to implement and enforce 40 CFR 62 Subpart OOO. One facility has suggested that Tennessee request delegation authority from EPA in lieu of developing a state plan. Any delegation request would require public participation, Board approval, and a submittal to EPA but would not require rulemaking. Tennessee also has the option of adopting a state plan that incorporates provisions of the federal plan, such as the provisions for legacy controlled landfills. The Division is planning a third round of stakeholder input to consider a delegation request in lieu of rulemaking. The third round of stakeholder input will take comments on A) adopting state plan based on Cf, B) adopting a state plan based on Cf with some provisions from federal plan, and C) seeking delegation of the federal plan. Mr. Blake answered questions from the Board.

There being no further business to discuss Mr. Holland made a motion to adjourn and Dr. Fu seconded the motion. The meeting was adjourned at 11:06.

Revisions to TAPCR 1200-03-27-.12

Signature Copy

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _

Rule ID(s): _

File Date: _

Effective Date: _

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

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, 15 th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0617
Email:	travis.blake@tn.gov

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-27	Nitrogen Oxides
Rule Number	Rule Title
1200-03-27-.12	NO _x SIP Call Requirements for Stationary Boilers and Combustion Turbines

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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 1200-03-27
Nitrogen Oxides

Amendments

Paragraph (11) of Rule 1200-03-27-.12 NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines is amended by deleting it in its entirety and substituting instead the following:

(11) Monitoring and Reporting

- (a) Owners, operators, and Responsible Officials of affected units shall implement a monitoring and reporting system sufficient to attribute ozone season NO_x mass emissions to each unit. The applicable monitoring, recordkeeping, and reporting requirements set out in 40 CFR Part 75 Subpart H, shall be the required monitoring method for all affected units unless and until an approved alternative monitoring method is incorporated into a federally enforceable construction or operating permit issued for the affected unit, at which time that approved monitoring method shall be the required monitoring method for the unit. NO_x mass emissions measurements recorded and reported in accordance with an approved monitoring method implemented pursuant to this subparagraph shall be used to determine compliance with the NO_x budgets allocated in accordance with paragraph (6) of this rule. For sources that monitor in accordance with 40 CFR Part 75 Subpart H, or a monitoring alternative for which EPA authorizes direct reporting to EPA pursuant to 40 CFR Part 75, the Responsible Official shall be authorized as provided in, and shall certify each submission and may delegate the Responsible Official's authority in accordance with, 40 CFR 72 subpart B. The approved alternative monitoring methods are:
 - 1. 40 CFR 60 Subpart D to determine NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions;
 - 2. 40 CFR 60 Subpart Db to determine NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions; or
 - 3. An alternative monitoring method approved by EPA in a revision to the State Implementation Plan. Alternative methodologies must address monitoring, recordkeeping, and reporting procedures, including direct reporting of NO_x emissions to the Technical Secretary for each control period.
- (b) Reserved.
- (c) An application submitted to the Technical Secretary for a construction or operating permit requesting to use an alternative monitoring method listed in part (a)1 or 2 of this paragraph shall include a description of the overall monitoring program for conducting continuous in-stack monitoring for NO_x mass emissions. To be approvable, the program must address the following:
 - 1. Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;
 - 2. Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;
 - 3. Proposed location(s) of the monitoring instruments in the effluent gas stream;
 - 4. Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard;
 - 5. Proposed ongoing monitoring instrument quality assurance procedures;

6. Procedures for addressing missing data; and
 7. Proposed format for the reporting of data.
- (d) An affected facility or affected unit monitoring in accordance with parts (a)1, (a)2, or (a)3 of this paragraph must directly report NO_x emissions to the Technical Secretary for each control period and may not report directly to EPA under 40 CFR Part 75 unless EPA expressly authorizes such reporting when approving a source-specific SIP revision.
 - (e) For each control period, the approved monitoring method in effect at midnight on the first day (May 1) of a control period shall be used for the entire control period.
 - (f) No later than January 31 following the end of each control period, the Technical Secretary will report to the Administrator the total NO_x mass emissions (in tons) from affected units subject to this rule and certify compliance with the NO_x budget established by paragraph (5) of this rule and the allowances allocated to each affected unit as specified in paragraph (6) of this rule.
 - (g) References to the Code of Federal Regulations in this paragraph (11) are to be regulations as published in the July 1, 2020, edition of the Code of Federal Regulations.

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Dr. Chunrong Jia Environmental Interests					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Amy Spann, PE Registered Professional Engineer					
Greer Tidwell, Jr. Conservation Interest					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					
Stephen Moore Working for Industry with technical experience					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on _____ and is in compliance with the provisions of T.C.A. §4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/24/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 11/ 02/2021

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-27

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: __

Effective on: __

Tre Hargett
Secretary of State

Public Hearing Comments

The public hearing for this permit was held on November 2, 2021. The following comments were received during the public comment period.

The following comments were submitted by U. S. EPA:

1. Comment: TAPCR 1200-03-27-.12(11) Proposed SIP Amendment – Pursuant to 40 CFR 51.122(c)(1)(i), Tennessee has an obligation to report ozone season NO_x mass emissions to the EPA. When sources are reporting under [40 CFR] Part 75 monitoring and reporting, states do not have to report emissions data to the EPA because the sources are doing so directly. However, if [40 CFR] Part 75 monitoring and reporting is replaced with an alternative monitoring methodology, the State should report to the EPA the total ozone season NO_x mass emissions data and verify compliance with the NO_x budget rather than the source.

Therefore, the EPA requests Tennessee establish either a SIP provision at 1200-03-27-.12(11)(d) or a commitment in the final SIP revision package that the Technical Secretary shall report to the EPA by January 31st (following the end of the control period), the total NO_x mass emissions (in tons) from affected units subject to 1200-03-27-.12 and verify compliance with the NO_x budget at 1200-03-27-.12(5) and allowances allocated to each affected unit specified at 1200-03-27-.12(6). The emission report should be in tabular form and include a certification statement of compliance with the state NO_x Budget. Alternatively, the EPA Region is available for further discussion on an alternative reporting consideration.

Response: The Board added a subparagraph (1200-03-27-.12(11)(f)) to the final rule, which addresses EPA's comment.

2. Comment: The EPA recommends Tennessee include an "or" at the end of Rule 1200-03-27-.12(11)(a)2.

Response: The Board updated the rule to make the recommended correction.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

The Air Pollution Control Board ("Board") anticipates that no small businesses will bear the cost of, or directly benefit from, these amended rules. None of the existing facilities subject to the amended rules are small businesses. Because this rule affects large emission sources in capital intensive industries (chemical plants, paper mills, and similar industries), the Board believes that any new source subject to this rulemaking would not be owned or operated by small businesses.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

With respect to small businesses, the Board anticipates that there would be no reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

- (3) A statement of the probable effect on impacted small businesses and consumers.

This rulemaking applies to large industrial sources only and is not expected to have any economic impact on small businesses.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

This rulemaking is less burdensome than the existing rule. If a specific facility does not wish to comply with the proposed rule change, it may continue to comply with their existing requirements by monitoring NO_x emissions in accordance with 40 CFR Part 75 (as published in the July 1, 2020, edition of the Code of Federal Regulations). This rulemaking is not projected to impact small businesses.

- (5) A comparison of the proposed rule with any federal or state counterparts.

At least one state (South Carolina) has adopted similar provisions (S.C. Code Regs. 61-62.96). South Carolina's rule contains similar provisions to this rulemaking (use of 40 CFR Part 60 as alternative monitoring provisions) but does not include a general provision that allows other alternatives to be adopted in the State Implementation Plan.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The proposed rule is not projected to impact small businesses because the NO_x SIP Call affects large emission sources in capital intensive industries.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

The Board does not believe that these amended rules will have a projected financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rulemaking amends Tennessee Air Pollution Control Rule 1200-03-27-.12(11) to include additional monitoring methods for nitrogen oxides (NO_x), including the current versions of 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, and a source-specific alternative approved as a revision to the State Implementation Plan (SIP). Currently, all facilities subject to this regulation are required to monitor NO_x emissions using the methods specified in 40 CFR Part 75, and the changes allow facilities to monitor NO_x emissions at a lower cost. This rule change also removes the petition requirements of Rule 1200-03-27-.12(11)(b).

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The rulemaking is not required to comply with current state or federal law. 40 CFR § 51.121 (NO_x SIP Call) requires SIPs to prohibit sources and other activities from emitting NO_x in amounts that will contribute significantly to nonattainment in one or more other states with respect to the one-hour ozone NAAQS. The federal rule also specifies control measures for states that elect to meet those requirements by controlling emissions from boilers, combustion turbines, or combined cycle units with a maximum design heat input greater than 250 MMBtu/hr. Prior to September 27, 2018, the federal regulation included a requirement to monitor NO_x emissions in accordance with 40 CFR Part 75. On September 27, 2018, EPA amended the NO_x SIP Call regulation to allow NO_x emissions monitoring using alternatives to 40 CFR Part 75.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons, organizations, corporations, or governmental entities most directly affected by this rulemaking are fossil fuel-fired boilers and combustion turbines which do not produce electricity for retail sale, including the following facilities:

- Packaging Corporation of America
- Tate & Lyle, Loudon
- Resolute FP, US, Inc.
- Eastman Chemical Company
- The Valero Refining Company - Tennessee, LLC
- Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
- Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

The Division of Air Pollution Control has not received any indication from these persons that they object to this rulemaking.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The Board is not aware of any opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rulemaking is unlikely to lead to an increase or decrease in state and local revenues and expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jimmy Johnston
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243
james.johnston@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Horace Tipton
Legislative Liaison
Office of General Counsel

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5339
Horace.Tipton@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

- (1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.
- The action proposed is the adoption of the rules contained herein on the NOX SIP Call (TAPCR 1200-03-27-.12) to revise the monitoring requirements of the existing regulation. These rules are implemented pursuant to Tennessee Code Annotated, Title 68, Chapter 201 and the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.
- (2) A determination that the action is the least-cost method for achieving the stated purpose.
- This rulemaking is believed to be the least-cost method to monitor NO_x emissions from fossil fuel-fired boilers and combustion turbines.
- (3) A comparison of the cost-benefit relation of the action to nonaction.
- This rulemaking is being promulgated to revise the NO_x monitoring requirements for large boilers and combustion turbines. The annual savings associated with this amendment are estimated to be between \$21,500 and \$60,000 for each affected boiler, based on discussions with two facilities subject to the rule. Based on this comparison, the benefits of moving forward with this rulemaking outweigh the costs.
- (4) A determination that the action represents the most efficient allocation of public and private resources.
- This action represents the most efficient allocation of public and private resources because the change will provide savings to the regulated community with minimal additional cost to the Division of Air Pollution Control.
- (5) A determination of the effect of the action on competition.
- This rulemaking would have minimal or no impact on competition in the marketplace. For large industrial operations, the barriers to entry are substantial for reasons that are unrelated to this rulemaking (e.g., high capital and operating costs).

- (6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.
- The cost of living in the geographical area(s) in which the action would occur will not be affected.
- (7) A determination of the effect of the action on employment in the geographical area in which the action would occur.
- It is not anticipated that the action will affect employment.
- (8) The source of revenue to be used for the action.
- The action can be accommodated with existing resources.
- (9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.
- This action will allow sources subject to the NO_x SIP Call to monitor NO_x emissions using alternative monitoring methods that may be implemented at a lower cost compared to the existing rules. The facilities listed below will directly or indirectly benefit from this action by saving on NO_x monitoring costs.
- Packaging Corporation of America
 - Tate & Lyle, Loudon
 - Resolute FP, US, Inc.
 - Eastman Chemical Company
 - The Valero Refining Company - Tennessee, LLC
 - Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
 - Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

Revisions to TAPCR 1200-03-27-.12

Redline/Strikeout

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _

Rule ID(s): _

File Date: _

Effective Date: _

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

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, 15 th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0617
Email:	travis.blake@tn.gov

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-27	Nitrogen Oxides
Rule Number	Rule Title
1200-03-27-.12	NO _x SIP Call Requirements for Stationary Boilers and Combustion Turbines

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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 1200-03-27
Nitrogen Oxides

Amendments

Paragraph (11) of Rule 1200-03-27-.12 NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines is amended by deleting it in its entirety and substituting instead the following:

(11) Monitoring and Reporting

- (a) ~~Except as otherwise allowed in subparagraph (b) of this paragraph, the owners and operators, and to the extent applicable, the Owners, operators, and Responsible Official, Officials of an affected unit units shall comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each control period implement a monitoring and reporting system sufficient to attribute ozone season NO_x mass emissions to each unit. The applicable monitoring, recordkeeping, and reporting requirements set out in 40 CFR Part 75 Subpart H, shall be the required monitoring method for all affected units unless and until an approved alternative monitoring method is incorporated into a federally enforceable construction or operating permit issued for the affected unit, at which time that approved monitoring method shall be the required monitoring method for the unit. NO_x mass emissions measurements recorded and reported in accordance with an approved monitoring method implemented pursuant to this subparagraph shall be used to determine compliance with the NO_x budgets allocated in accordance with paragraph (6) of this rule. The For sources that monitor in accordance with 40 CFR Part 75 Subpart H, or a monitoring alternative for which EPA authorizes direct reporting to EPA pursuant to 40 CFR Part 75, the Responsible Official shall be authorized as provided in, and shall certify each submission and may delegate his or her the Responsible Official's authority in accordance with, 40 CFR 72 subpart B. The approved alternative monitoring methods are:~~
- ~~1. 40 CFR 60 Subpart D to determine NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions;~~
 - ~~2. 40 CFR 60 Subpart Db to determine NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions; or~~
 - ~~3. An alternative monitoring method approved by EPA in a revision to the State Implementation Plan. Alternative methodologies must address monitoring, recordkeeping, and reporting procedures, including direct reporting of NO_x emissions to the Technical Secretary for each control period.~~
- (b) ~~Reserved. Petitions. The Responsible Official of an affected unit may submit a petition to the Technical Secretary and the Administrator requesting approval of an alternative to any requirement of this paragraph. The application of any alternative to any requirement of this paragraph is granted only to the extent that the petition is approved in writing by both the Technical Secretary and the Administrator.~~
- (c) ~~An application submitted to the Technical Secretary for a construction or operating permit requesting to use an alternative monitoring method listed in part (a)1 or 2 of this paragraph shall include a program for conducting continuous in-stack monitoring for NO_x mass emissions. To be approvable, the program must address the following:~~
- ~~1. A description of the overall monitoring program;~~
 - ~~2. Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;~~

3. Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;
 4. Proposed location(s) of the monitoring instruments in the effluent gas stream;
 5. Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard;
 6. Proposed ongoing monitoring instrument quality assurance procedures;
 7. Procedures for addressing missing data; and
 8. Proposed format for the reporting of data.
- (d) An affected facility or affected unit monitoring in accordance with parts (a)1, (a)2, or (a)3 of this paragraph must directly report NO_x emissions to the Technical Secretary for each control period and may not report directly to EPA under 40 CFR Part 75 unless EPA expressly authorizes such reporting when approving a source-specific SIP revision.
- (e) For each control period, the approved monitoring method in effect at midnight on the first day (May 1) of a control period shall be used for the entire control period.
- (f) No later than January 31 following the end of each control period, the Technical Secretary will report to the Administrator the total NO_x mass emissions (in tons) from affected units subject to this rule and certify compliance with the NO_x budget by paragraph (5) of this rule the allowances allocated to each affected unit specified in paragraph (6) of this rule.
- (g) References to the Code of Federal Regulations in this paragraph (11) are to be regulations as published in the July 1, 2020, edition of the Code of Federal Regulations.

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Dr. Chunrong Jia Environmental Interests					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Amy Spann, PE Registered Professional Engineer					
Greer Tidwell, Jr. Conservation Interest					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					
Vacant Working for Industry with technical experience					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on _____ and is in compliance with the provisions of T.C.A. §4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/24/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 11/ 02/2021

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-27

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _

Effective on: _

Tre Hargett
Secretary of State

Public Hearing Comments

The public hearing for this permit was held on November 2, 2021. The following comments were received during the public comment period.

The following comments were submitted by U. S. EPA:

1. Comment: TAPCR 1200-03-27-.12(11) Proposed SIP Amendment – Pursuant to 40 CFR 51.122(c)(1)(i), Tennessee has an obligation to report ozone season NO_x mass emissions to the EPA. When sources are reporting under [40 CFR] Part 75 monitoring and reporting, states do not have to report emissions data to the EPA because the sources are doing so directly. However, if [40 CFR] Part 75 monitoring and reporting is replaced with an alternative monitoring methodology, the State should report to the EPA the total ozone season NO_x mass emissions data and verify compliance with the NO_x budget rather than the source.

Therefore, the EPA requests Tennessee establish either a SIP provision at 1200-03-27-.12(11)(d) or a commitment in the final SIP revision package that the Technical Secretary shall report to the EPA by January 31st (following the end of the control period), the total NO_x mass emissions (in tons) from affected units subject to 1200-03-27-.12 and verify compliance with the NO_x budget at 1200-03-27-.12(5) and allowances allocated to each affected unit specified at 1200-03-27-.12(6). The emission report should be in tabular form and include a certification statement of compliance with the state NO_x Budget. Alternatively, the EPA Region is available for further discussion on an alternative reporting consideration.

Response: The Board added a subparagraph (1200-03-27-.12(11)(f)) to the final rule, which addresses EPA's comment.

2. Comment: The EPA recommends Tennessee include an "or" at the end of Rule 1200-03-27-.12(11)(a)2.

Response: The Board updated the rule to make the recommended correction.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

The Air Pollution Control Board ("Board") anticipates that no small businesses will bear the cost of, or directly benefit from, these amended rules. None of the existing facilities subject to the amended rules are small businesses. Because this rule affects large emission sources in capital intensive industries (chemical plants, paper mills, and similar industries), the Board believes that any new source subject to this rulemaking would not be owned or operated by small businesses.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

With respect to small businesses, the Board anticipates that there would be no reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

- (3) A statement of the probable effect on impacted small businesses and consumers.

This rulemaking applies to large industrial sources only and is not expected to have any economic impact on small businesses.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

This rulemaking is less burdensome than the existing rule. If a specific facility does not wish to comply with the proposed rule change, it may continue to comply with their existing requirements by monitoring NO_x emissions in accordance with 40 CFR Part 75 (as published in the July 1, 2020, edition of the Code of Federal Regulations). This rulemaking is not projected to impact small businesses.

- (5) A comparison of the proposed rule with any federal or state counterparts.

At least one state (South Carolina) has adopted similar provisions (S.C. Code Regs. 61-62.96). South Carolina's rule contains similar provisions to this rulemaking (use of 40 CFR Part 60 as alternative monitoring provisions) but does not include a general provision that allows other alternatives to be adopted in the State Implementation Plan.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The proposed rule is not projected to impact small businesses because the NO_x SIP Call affects large emission sources in capital intensive industries.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

The Board does not believe that these amended rules will have a projected financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rulemaking amends Tennessee Air Pollution Control Rule 1200-03-27-.12(11) to include additional monitoring methods for nitrogen oxides (NO_x), including the current versions of 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, and a source-specific alternative approved as a revision to the State Implementation Plan (SIP). Currently, all facilities subject to this regulation are required to monitor NO_x emissions using the methods specified in 40 CFR Part 75, and the changes allow facilities to monitor NO_x emissions at a lower cost. This rule change also removes the petition requirements of Rule 1200-03-27-.12(11)(b).

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The rulemaking is not required to comply with current state or federal law. 40 CFR § 51.121 (NO_x SIP Call) requires SIPs to prohibit sources and other activities from emitting NO_x in amounts that will contribute significantly to nonattainment in one or more other states with respect to the one-hour ozone NAAQS. The federal rule also specifies control measures for states that elect to meet those requirements by controlling emissions from boilers, combustion turbines, or combined cycle units with a maximum design heat input greater than 250 MMBtu/hr. Prior to September 27, 2018, the federal regulation included a requirement to monitor NO_x emissions in accordance with 40 CFR Part 75. On September 27, 2018, EPA amended the NO_x SIP Call regulation to allow NO_x emissions monitoring using alternatives to 40 CFR Part 75.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons, organizations, corporations, or governmental entities most directly affected by this rulemaking are fossil fuel-fired boilers and combustion turbines which do not produce electricity for retail sale, including the following facilities:

- Packaging Corporation of America
- Tate & Lyle, Loudon
- Resolute FP, US, Inc.
- Eastman Chemical Company
- The Valero Refining Company - Tennessee, LLC
- Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
- Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

The Division of Air Pollution Control has not received any indication from these persons that they object to this rulemaking.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The Board is not aware of any opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rulemaking is unlikely to lead to an increase or decrease in state and local revenues and expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jimmy Johnston
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243
james.johnston@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Horace Tipton
Legislative Liaison
Office of General Counsel

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5339
Horace.Tipton@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

- (1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.
- The action proposed is the adoption of the rules contained herein on the NOX SIP Call (TAPCR 1200-03-27-.12) to revise the monitoring requirements of the existing regulation. These rules are implemented pursuant to Tennessee Code Annotated, Title 68, Chapter 201 and the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.
- (2) A determination that the action is the least-cost method for achieving the stated purpose.
- This rulemaking is believed to be the least-cost method to monitor NO_x emissions from fossil fuel-fired boilers and combustion turbines.
- (3) A comparison of the cost-benefit relation of the action to nonaction.
- This rulemaking is being promulgated to revise the NO_x monitoring requirements for large boilers and combustion turbines. The annual savings associated with this amendment are estimated to be between \$21,500 and \$60,000 for each affected boiler, based on discussions with two facilities subject to the rule. Based on this comparison, the benefits of moving forward with this rulemaking outweigh the costs.
- (4) A determination that the action represents the most efficient allocation of public and private resources.
- This action represents the most efficient allocation of public and private resources because the change will provide savings to the regulated community with minimal additional cost to the Division of Air Pollution Control.
- (5) A determination of the effect of the action on competition.
- This rulemaking would have minimal or no impact on competition in the marketplace. For large industrial operations, the barriers to entry are substantial for reasons that are unrelated to this rulemaking (e.g., high capital and operating costs).

- (6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.
- The cost of living in the geographical area(s) in which the action would occur will not be affected.
- (7) A determination of the effect of the action on employment in the geographical area in which the action would occur.
- It is not anticipated that the action will affect employment.
- (8) The source of revenue to be used for the action.
- The action can be accommodated with existing resources.
- (9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.
- This action will allow sources subject to the NO_x SIP Call to monitor NO_x emissions using alternative monitoring methods that may be implemented at a lower cost compared to the existing rules. The facilities listed below will directly or indirectly benefit from this action by saving on NO_x monitoring costs.
- Packaging Corporation of America
 - Tate & Lyle, Loudon
 - Resolute FP, US, Inc.
 - Eastman Chemical Company
 - The Valero Refining Company - Tennessee, LLC
 - Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
 - Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

Domtar Paper Company, LLC

NO_x SIP Call Permit 079291

Board Order 21-148

Clean Air Act §110(l) Demonstration

Response to EPA Comments

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243



OPERATING PERMIT Issued Pursuant to Tennessee Air Quality Act

Issue Date:

*******DRAFT*******

Permit Number: 079291

Facility ID: 82-0022

Issued To:

Domtar Paper Company, LLC dba Kingsport Mill

Installation Address

100 Clinchfield Street

Kingsport

Installation Description

No. 2 Power Boiler

Emission Source Reference No.

82-0022-34

SIP

The holder of this permit shall comply with the conditions contained in this permit as well as all applicable provisions of the Tennessee Air Pollution Control Regulations (TAPCR).

CONDITIONS:

1. Pursuant to 40 CFR §51.121(i)(1), upon issuance of this permit, approval of this permit into Tennessee's State Implementation Plan by U. S. EPA, and approval of the monitoring program specified in **Condition 3** of this permit, the permittee may demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring nitrogen oxides (NO_x) emissions from the No. 2 Power Boiler using the alternative NO_x monitoring provisions contained in **Conditions 2 through 5** of this permit in lieu of the requirements established by TAPCR 1200-03-27-.12(11)(a).

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

TECHNICAL SECRETARY

No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

POST AT INSTALLATION ADDRESS

2. Pursuant to 40 CFR §51.121(i)(1), upon issuance of this permit and approval of this permit into Tennessee's State Implementation Plan by U.S. EPA, the permittee may demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring NO_x emissions from the No. 2 Power Boiler using the monitoring methodologies for NO_x emission rate set forth in 40 CFR Part 60, Appendix B in combination with monitoring of heat input. The permittee must continue to monitor NO_x emissions in accordance with TAPCR 1200-03-27-.12(11)(a) and 40 CFR Part 75 until the monitoring plan required by **Condition 3** is approved and all required certification testing is performed and approved by the Technical Secretary.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

3. The permittee shall submit a program for conducting continuous in-stack monitoring for NO_x mass emissions for approval. To be approvable the program shall address the following:

- (a) A description of the overall monitoring program;
- (b) Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;
- (c) Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;
- (d) Proposed location(s) of the monitoring instruments on the boiler effluent gas stream;
- (e) Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard (i.e., NO_x mass emissions);
- (f) Proposed ongoing monitoring instrument quality assurance procedures (40 CFR 60, Appendix F or approved alternative);
- (g) Procedures for addressing missing data (40 CFR 75, Appendix D or approved alternative); and
- (h) Proposed format for the reporting of data.

The report shall be submitted to the Technical Secretary at the following address:

Division of Air Pollution Control
Attn: Compliance Validation Program
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243
e-mail (PDF): Air.Pollution.Control@tn.gov

Note: The permittee has previously submitted documentation for paragraphs (b), (d), and (e) of this condition, and no further action is required for these items as long as the currently certified monitoring system continues to be used as previously approved.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

4. The permittee shall calculate NO_x mass emissions (in tons) for each control period and report the total to the Technical Secretary no later than December 31 following the end of the control period. NO_x emission rates shall be calculated from continuous emissions monitoring system (CEMS) measurements using Method 19 in Appendix A-7 to 40 CFR Part 60.

- (a) For each hour in the control period:
 - (i) Calculate the NO_x emission rate in lb/MMBtu;
 - (ii) Measure fuel flow rate and calculate the heat input in MMBtu; and
 - (iii) Calculate NO_x emissions as the NO_x emission rate in lb/MMBtu multiplied by the heat input in MMBtu.
- (b) At the end of the control period, calculate the total NO_x emissions as the sum of the hourly NO_x emissions for each hour. Divide the total NO_x emissions by 2,000 to calculate the total NO_x emissions in tons, and report the total NO_x emissions to the Technical Secretary at the following address:

Division of Air Pollution Control
Attn: Emissions Inventory and Special Projects
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243
e-mail (PDF): Air.Pollution.Control@tn.gov

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

- 5. The permittee shall maintain records of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. These records shall be retained for at least five years following the end of the control period in which such measurements, maintenance, reports, and records were collected.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

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

IN THE MATTER OF

Domtar Paper Company, LLC

Petition for Alternative Monitoring

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Order Number: 21-148

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 12, 2022.

On June 21, 2021, the Division of Air Pollution Control issued PSD construction permit 978656, which allowed Domtar Paper Company, LLC (Domtar) to convert an idled soda pulp and paper mill to produce containerboard from 100% recycled material. This project included the conversion of Domtar's existing soda recovery furnace (redesignated as the No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel. The repowered boiler meets the definition of an "affected unit" pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

On August 13, 2021, Domtar submitted a petition for a source-specific revision to the Tennessee State Implementation Plan (SIP) for the NO_x SIP Call monitoring requirements for the No. 2 Power Boiler at Domtar's Kingsport Mill. The requested revision allows Domtar to comply with the monitoring requirements established by 40 CFR Part 60 in lieu of the requirements established by 40 CFR Part 75.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-27-.12 (NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines) limits emissions of nitrogen oxides (NO_x) during the regulatory ozone season (May 1 through September 30 of each year) and TAPCR 1200-03-27-.12(11)(a) requires the owners and operators of an affected unit to comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each ozone season. TAPCR 1200-03-27-.12(11)(b) allows the Responsible Official of an affected unit to petition the Technical Secretary for approval of monitoring alternatives.

On March 8, 2019, EPA published a final rule (84 FR 8422) allowing states to amend their SIPs to establish emissions monitoring alternatives to Part 75 for units subject to the NO_x SIP Call. SIPs that approve alternatives to Part 75 must continue to include some form of emissions monitoring requirements for these types of sources, consistent with the NO_x SIP Call's general enforceability and monitoring requirements at § 51.121(f)(1) and (i)(1).

Domtar's petition requests approval to use 40 CFR Part 60 Appendix B (Performance Specification 2—Specifications and Test Procedures for SO₂ and NO_x Continuous Emission Monitoring Systems in Stationary Sources) as an alternative to the CEMS requirements of Part 75. The petition states that another

boiler, which is not subject to the NO_x SIP Call, operates CEMS in accordance with 40 CFR Part 60, and Domtar wishes to comply with the same monitoring requirements for both boilers.

The Technical Secretary has reviewed Domtar's petition and recommended that the Board approve Domtar's request for alternative monitoring. In reviewing Domtar's petition, the Technical Secretary determined that : (1) Domtar's NO_x emissions are expected to decline as a result of the boiler modification; (2) collectively, NO_x SIP Call affected facilities in Tennessee are operating well below the state's NO_x budget; (3) the alternative monitoring requirements would be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO_x SIP Call emissions requirements; and (4) the work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance that the boiler is operating properly.

The Tennessee Air Pollution Control Board finds that the specific monitoring, recordkeeping and reporting requirements/conditions associated with Domtar's No. 2 Power Boiler, as identified in conditions 1 through 5 of operating permit 079291, are acceptable alternatives to the provisions of TAPCR 1200-03-27-.12(11)(a). The Board approves the submittal of operating permit 079291 to U.S. EPA for adoption into Tennessee's State Implementation Plan.

Entered and approved by the following Board members on January 12, 2022.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proposed Approval of Alternative Monitoring and Clean Air Act §110(l) Demonstration

Domtar Paper Company, LLC, No. 2 Power Boiler Tennessee Air Pollution Control Regulations 1200-03-27-.12(11)

On August 13, 2021, Domtar Paper Company, LLC (Domtar) submitted a petition to request approval of alternative monitoring, recordkeeping, and reporting requirements for one boiler subject to the NO_x SIP Call (No. 2 Power Boiler) at Domtar's Kingsport Mill. The Tennessee Department of Environment and Conservation, Division of Air Pollution Control, is proposing to approve Domtar's petition, subject to the limitations and exceptions identified herein.

The specific monitoring requirements for the No. 2 Power Boiler will be implemented via operating permit 079291. The Division proposes to issue this permit after appropriate notice and comment and to submit the final permit to U. S. EPA for adoption into Tennessee's State Implementation Plan.

I. Background

On October 27, 1998 (63 FR 57356), EPA adopted the *Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone* (NO_x SIP Call), which required 22 States and the District of Columbia to submit State Implementation Plan (SIP) revisions to prohibit specified amounts of NO_x emissions for the purpose of reducing NO_x and ozone transport across State boundaries in the eastern half of the United States. This rule also established the NO_x Budget Trading Program, which allowed States to comply with the required emissions reductions via an interstate cap-and-trade program for electric generating units (EGUs) and for large industrial boilers and combustion turbines (i. e., non-EGUs). Tennessee implemented the NO_x Budget Trading Program between 2003 and 2008, when the program was superseded by the Clean Air Interstate Rule (CAIR) Ozone Season NO_x Trading Program.

EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR) NO_x trading programs on January 1, 2015. The applicability provisions of the CSAPR ozone season trading programs cover EGUs only, and non-EGU boilers are not covered under CSAPR. To preserve the NO_x reductions established by the NO_x SIP Call, the Tennessee Air Pollution Control Board approved Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-27-.12 (NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines). Tennessee submitted the rule to EPA's Region 4 office on February 27, 2017 and requested that EPA approve the rule into Tennessee's SIP.

TAPCR 1200-03-27-.12(11)(a) requires the owners and operators of an affected unit to comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each control period. On March 8, 2019, EPA published a final rule revising the emissions monitoring provisions required under the NO_x SIP Call (84 FR 8422). This rule allows States to amend their SIPs to establish emissions monitoring alternatives to Part 75 for units subject to the NO_x SIP Call¹. In approving this rule, EPA stated that the Part 75 monitoring requirements were applied to non-EGU sources in the context of regional emission trading programs, including the NO_x Budget Trading Program and the CAIR NO_x Ozone Season Trading

¹ This revision does not include EGUs or other units subject to the Acid Rain Program or the CSAPR emission trading programs.

Program, which have been discontinued². EPA also noted the substantial margins by which NO_x SIP Call States are complying with their emissions budgets – overall seasonal NO_x emissions from NO_x SIP Call States are less than 40% of the States’ NO_x budgets, and no State reported NO_x emissions exceeding 71% of its budget³. SIPs that approve alternatives to Part 75 must continue to include some form of emissions monitoring requirements for these types of sources, consistent with the NO_x SIP Call’s general enforceability and monitoring requirements at § 51.121(f)(1) and (i)(1).

On June 21, 2021, the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, issued PSD construction permit 978656, which allows Domtar to convert the idled soda pulp and paper mill, which manufactured fine paper from hardwood chips and market pulp, to produce containerboard from 100% recycled material. This project includes the conversion of Domtar’s existing soda recovery furnace (redesignated as the No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel. The repowered boiler will meet the definition of an “affected unit” pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

II. Current Monitoring Requirements

§75.10 requires affected sources to install, certify, operate, and maintain, in accordance with all the requirements of Part 75, a NO_x-diluent continuous emission monitoring system (CEMS), consisting of a NO_x pollutant concentration monitor and an O₂ or CO₂ diluent gas monitor, with an automated data acquisition and handling system for measuring and recording NO_x concentration (in ppm), O₂ or CO₂ concentration (in percent O₂ or CO₂) and NO_x emission rate (in lb/MMBtu) discharged to the atmosphere, except as provided in §§75.12 and 75.17 and Subpart E of Part 75. Pursuant to §75.12(c), hourly, quarterly, and annual NO_x emission rates must be calculated from the NO_x concentration, diluent concentration, and percent moisture (if applicable) measurements using the procedures established in Appendix F to Part 75.

III. Requested Alternative Monitoring

The petition requests approval to use 40 CFR Part 60 Appendix B (Performance Specification 2—Specifications and Test Procedures for SO₂ and NO_x Continuous Emission Monitoring Systems in Stationary Sources) as an alternative to the CEMS requirements of Part 75. The requested alternative is the method used to demonstrate compliance with the NO_x emission limit established by permit 978656 (0.10 lb/MMBtu) and 40 CFR 60 Subpart Db.

² EPA notes that Part 75 monitoring is necessary for emission trading programs, because these programs can function only with timely reporting of consistent, quality-assured mass emissions data by all participating units.

³ For Tennessee, EPA reported the following numbers for 2020:

2020 Ozone Season non-EGU NO _x Emissions (tons)		
NO _x Emissions (tons)	NO _x Budget	Total Emissions (% of Budget)
1,623	5,666 (3,928*)	29% (41%*)
* The non-EGU portion of Tennessee’s NO _x budget is 5,666 tons. Of this total, 1,738 tons are set aside for new source growth, leaving 3,928 tons of NO _x emissions allocated to existing units. The 2020 non-EGU NO _x emissions, as a percentage of Tennessee’s NO _x budget, were calculated using both numbers.		

IV. Justification for Alternative Monitoring

The petition states that Condition S2-4.F of PSD construction permit 978656 requires Domtar to monitor NO_x emissions from the No. 2 Power Boiler in accordance with 40 CFR Part 60. The petition also states that Domtar's Bubbling Fluidized Bed Biomass Boiler⁴ is required to monitor NO_x emissions in accordance with Part 60, and Domtar wishes to use the same monitoring method for both boilers.

V. Review of Domtar's Alternative Monitoring Request, Clean Air Act §110(l) Requirements

The Division of Air Pollution Control reviewed Domtar's alternative monitoring request, giving consideration to emissions from the affected unit and the adequacy of the proposed monitoring method.

Attainment and maintenance plans in Tennessee rely upon control of NO_x emissions. Section 110(l) of the Clean Air Act (CAA)⁵ prohibits revision of a SIP that would interfere with attainment or maintenance of a NAAQS, reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the CAA. Because this rule is part of Tennessee's SIP, the requirements of CAA §110(l) must be satisfied before changing the existing monitoring requirements.

The Division proposes to approve Domtar's request. The proposed revision would not interfere with any applicable requirement concerning attainment or maintenance of a NAAQS or reasonable further progress toward attainment of a NAAQS.

- Tennessee's NO_x emissions from affected sources remain well below the statewide budget established by the NO_x SIP Call, and NO_x emissions from Domtar's Kingsport mill are expected to decrease as a result of the repowering project.
- The alternate monitoring requirements will be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO_x SIP Call emissions requirements.
- The work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance of proper boiler operation.

V.1. Emissions

EPA's proposed approval of NO_x SIP Call monitoring alternatives (83 FR 48751) notes the substantial margin by which NO_x SIP Call states are complying with the portions of their statewide emissions budgets assigned

⁴ Domtar's biomass boiler has a design heat input of 544 MMBtu/hr, but Condition E6-10 of Title Operating Permit 573622 limits the annual capacity factor for other fuels (natural gas and fuel oils) to 10%. The biomass boiler does not meet the definition of an "affected unit" pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

⁵ "Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter."

to large EGUs and large non-EGU boilers and turbines, averaging less than 40% of the statewide NO_x budgets in 2017.

Domtar's No. 2 Power Boiler was not subject to the NO_x SIP Call prior to the current modification (repower the boiler from a soda recover furnace combusting black liquor solids to a power boiler with a design heat input capacity of 872 MMBtu/hr and burning only natural gas and ULSD). The No. 2 Power Boiler will meet the definition of an "affected unit" pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

For new affected units, TAPCR 1200-03-27-.12(6) allows the Responsible Official of the unit to request NO_x allowances not exceeding: (1) The allowable NO_x emission rate under any applicable provision of 40 CFR part 60; (2) The allowable emission rate under any state or federal construction or operating permit; and (3) The allowable emission rate under any provision in Tennessee's State Implementation Plan. The heat input used for calculating NO_x allowance allocations is determined in accordance with 40 CFR part 75 or based on the best available data for the unit. At a design heat input of 872 MMBtu/hr and an allowable emission rate of 0.10 lb/MMBtu⁶, the NO_x allowance allocation for the No. 2 Power Boiler would be 160 tons per control period (May 1 through September 30 of each calendar year), as shown in **Equation 1**. Domtar's allocation would be 2.8% of Tennessee's NO_x Budget of 5,666 tons.

$$\frac{(0.10 \text{ lb/MMBtu})(872 \text{ MMBtu/hr})(3,672 \text{ hr/control period})}{(2,000 \text{ lb/ton})} = 160 \text{ tons/control period} \quad \text{Equation 1}$$

Table 1 shows Tennessee's NO_x emissions for all affected non-EGU sources subject to the NO_x Budget Trading Program (2003 – 2008), CAIR NO_x Ozone Season Trading Program (2009 – 2014), and State NO_x SIP Call regulation (2015 – 2019). Since the implementation of the NO_x Budget Trading Program in 2004, Tennessee's ozone season NO_x emissions from these affected sources have decreased from 59.8% of Tennessee's non-EGU NO_x Budget in 2004 to 28.6% of Tennessee's non-EGU NO_x Budget in 2020.

Year	Total NO_x Emissions (tons)	Non-EGU NO_x Budget (tons)	% of NO_x Budget
2003	5,804	5,666	102.4%
2004	3,389	5,666	59.8%
2005	3,879	5,666	68.5%
2006	3,833	5,666	67.6%
2007	3,737	5,666	66.0%
2008	3,661	5,666	64.6%
2009	3,524	5,666	62.2%

⁶ PSD construction permit 978656, Condition S2-1.F.

Table 1: Statewide Non-EGU NO_x Emissions, 2003 – 2020			
Year	Total NO_x Emissions (tons)	Non-EGU NO_x Budget (tons)	% of NO_x Budget
2010	3,454	5,666	61.0%
2011	3,476	5,666	61.4%
2012	3,305	5,666	58.3%
2013	3,222	5,666	56.9%
2014	3,241	5,666	57.2%
2015	3,298	5,666	58.2%
2016	3,134	5,666	55.3%
2017	2,350	5,666	41.5%
2018	2,286	5,666	40.4%
2019	1,870	5,666	33.0%
2020	1,623	5,666	28.6%
Data source: U. S. EPA Air Markets Program Database (https://ampd.epa.gov/ampd/)			

Table 2 shows the emissions from specific facilities subject to the NO_x SIP Call since 2003. Of the twelve facilities identified in Table 2, four facilities (Cargill, DOE Oak Ridge, DuPont Old Hickory, and Liberty Fibers) shut down their NO_x SIP Call units and three facilities (TVA Cumberland⁷, TVA Johnsonville⁸, and Valero) added NO_x SIP Call units. Domtar is identified as an affected facility in EPA's Clean Air Markets database but has never been granted an allowance allocation or otherwise subjected to the NO_x SIP Call⁹. Of the remaining facilities, Eastman Chemical, Resolute Forest Products, and Tate & Lyle had significant decreases in NO_x emissions due to full or partial conversions from coal to natural gas operation.

Table 2: Change in NO_x Emissions by Facility						
Facility Name	Years Subject to the NO_x SIP Call		NO_x Emissions (tons)		NO_x Emission Rate (lb/MMBtu)	
	First Year	Last Year	First Year	Last Year	First Year	Last Year
Cargill Corn Milling	2003	2014	5	5	0.039	0.049
TVA Cumberland (non-EGU Boiler)	2015	2020	2	0.8	0.055	0.058
DOE Oak Ridge Y-12	2003	2009	126	126	0.653	0.582
Domtar Paper Co., LLC	2003	2003	177	177	0.667	0.667
DuPont Old Hickory	2003	2011	366	3	0.586	0.197
Eastman Chemical Company	2003	2020	2,931	1,418	0.354	0.171
TVA Johnsonville (non-EGU Boiler)	2018	2019	1	0.03	0.005	0.008

⁷ TVA's Cumberland Fossil Plant includes one non-EGU auxiliary boiler. This boiler was operating prior to 2015 but appears to have been counted with TVA's EGU emissions.

⁸ TVA's Johnsonville cogeneration facility includes two non-EGU boilers that began operation in 2018.

⁹ As noted previously, Domtar's biomass boiler has a design heat input of 544 MMBtu/hr but does not meet the definition of an affected unit under the NO_x SIP Call.

Table 2: Change in NO_x Emissions by Facility						
Facility Name	Years Subject to the NO_x SIP Call		NO_x Emissions (tons)		NO_x Emission Rate (lb/MMBtu)	
	First Year	Last Year	First Year	Last Year	First Year	Last Year
Liberty Fibers Corporation	2004	2005	250	206	0.800	0.784
Packaging Corporation of America	2003	2020	14	49	0.172	0.155
Resolute Forest Products	2003	2019	1,304	94	0.886	0.100
Tate & Lyle-Loudon	2003	2020	881	56	0.509	0.057
Valero Refining Company	2013	2020	18	4	0.033	0.042

Tables 1 and 2 demonstrate that even if Domtar emits 100% of its allowance allocation, Tennessee will remain substantially below its NO_x budget for 2021 and beyond.

Tennessee also notes that NO_x emissions from the No. 2 Power Boiler are likely to decline following conversion of the soda recovery furnace.

Condition E7-11 of Title V permit 573622 limits NO_x emissions from the soda recovery furnace to 553 tons during any period of 12 consecutive months. The permit states that a performance test conducted on August 10, 2004 measured NO_x emissions at 104.61 lb/hr at an operating rate of 115,000 lb/hr of black liquor solids. At the allowable material input rate of 125,000 lb/hr (12-month moving average) of black liquor solids and ultra-low sulfur diesel¹⁰, NO_x emissions from the soda recovery furnace would be 113.7 lb/hr. The allowable emission rate for the repowered source (No. 2 Power Boiler) will be 87.2 lb/hr based on an emission limit of 0.1 lb/MMBtu for natural gas or No. 2 oil combustion.

V.2. Alternative Monitoring Requirements

Upon approval of the requested alternative into the SIP, Domtar would be allowed to demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring NO_x emissions from the No. 2 Power Boiler using the monitoring methodologies set forth in 40 CFR Part 60, Appendix B. Tennessee will require Domtar to calculate NO_x mass emissions (in tons) for each ozone season using NO_x emission rate data obtained in accordance with the applicable NSPS subpart and to report the total to the Division of Air Pollution Control no later than December 31 following that ozone season. The NO_x emission rate will be calculated from Part 60 CEMS measurements using Method 19 in Appendix A to 40 CFR Part 60.

Following receipt of Domtar's report, Tennessee will review Domtar's total emissions and the emissions from other affected units in the state, including any emissions from new affected units, to verify that Tennessee's ozone-season NO_x budget has not been exceeded. Should the total emissions from any affected unit (at Domtar or any other facility) exceed its allowance allocation, Tennessee will pursue appropriate action in accordance with TAPCR 1200-03-27-.12(7)(c), including the deduction of allowances for the following control period and the assessment of civil penalties or other remedies.

¹⁰ Condition E7-1 of permit 573622.

V.3. Periodic Tune-Up Requirements

The No. 2 Power Boiler is subject to 40 CFR 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters). Subpart DDDDD requires boilers and process heaters with a heat input capacity of 10 MMBtu/hr or greater that do not use a continuous oxygen trim system to maintain an optimum air-to-fuel ratio to perform an annual tune-up of the boiler or process heater as specified in §63.7540(a)(10)(i) through (vi). Boilers and process heaters that use a continuous oxygen trim system to maintain an optimum air-to-fuel ratio must perform tune-ups every five years.

Tune-ups must be performed while burning the fuel(s) that provided the majority of the heat input to the boiler or process heater over the 12 months prior to the tune-up. The tune-ups must include, as applicable, inspection, cleaning, and replacement of burner components; inspection and optimization of the flame pattern; inspection and calibration of the system controlling the air-to-fuel ratio; and optimizing total CO emissions, consistent with any NO_x requirement to which the unit is subject.

VI. Conclusion

The proposed change would not increase NO_x emissions from Domtar's No. 2 Power Boiler, and NO_x emissions from all affected sources in Tennessee would remain substantially below the statewide NO_x budget established pursuant to 1200-03-27-.12. The alternative monitoring requirements would be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO_x SIP Call emissions requirements, and the work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance that the boiler is operating properly.

Tennessee requests that EPA adopt the specific monitoring, recordkeeping and reporting requirements/conditions associated with Domtar's No. 2 Power Boiler as identified in Conditions 1 through 5 of operating permit 079291. In a separate action, Tennessee is proposing to amend the monitoring requirements TAPCR 1200-03-27-.12(11) by allowing affected units to monitor NO_x emissions in accordance with 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, or an alternative method approved by the Technical Secretary in a revision to the State Implementation Plan in lieu of the existing requirement to monitor NO_x emissions in accordance with 40 CFR Part 75. Therefore, Tennessee requests conditional approval of the source-specific SIP revision and commits to completion of the amendments to TAPCR 1200-03-27-.12(11) not later than one year after the date of approval of the plan revision. Tennessee understands that any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

Response to U. S. EPA Comments
NO_x SIP Call Alternative Monitoring Source-Specific SIP for Domtar Paper Company, LLC

EPA Comment	TDEC-APC Response
Conditional Approval Request – To request conditional approval, Tennessee’s final state implementation plan (SIP) package transmittal letter should request that the EPA conditionally approve the source specific SIP (i.e., the incorporation of the non-Part 75 title V permit conditions into the SIP for Domtar Paper Company, LLC (Domtar) based on the State’s commitment to modify the provisions at Chapter 1200- 3-27.12(11) to specify permissible non-part 75 monitoring and reporting methodologies as allowed under 40 CFR 51.121(i)(1). Additionally, please provide in the transmittal letter a regulatory schedule for the subsequent SIP revision for Chapter 1200- 3-27.12(11). The corrective SIP revision would be required one year after the effective date of the final conditional approval.	Tennessee’s final source-specific SIP transmittal letter will request that EPA conditionally approve the source specific SIP and will provide a commitment and schedule to modify the provisions at Chapter 1200-3-27.12(11) to specify permissible non-part 75 monitoring and reporting methodologies as allowed under 40 CFR 51.121(i)(1).
General Comment – The conversion of the recovery furnace (No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel establishes the unit as an “affected unit” under Chapter 1200-03-27-.12(1)(c)1 and “new affected unit” at 1200-03-27-.12(1)(n) which also triggers a requirement for Domtar to monitor ozone season NO_x emissions pursuant to 40 CFR part 75 (at 1200-03-27-.12(1)(c)11). The EPA requests that Tennessee coordinate with Region 4 regarding the completion of the No. 2 Power Boiler conversion to assess which monitoring requirements Domtar will be subject to by the 2022 control period. Specifically, the EPA recommends Tennessee clarify in the final SIP package the expected completion of the recovery furnace conversion that triggers the applicability at Chapter 1200-03-27-.12 and the expected NO_x emissions monitoring methodology for Domtar for the 2022 control period.	The No. 2 Power Boiler is expected to begin operating in the summer of 2022, and the applicable monitoring method for the 2022 control period will be the default methods established by 40 CFR 75 Subpart H. Tennessee has communicated with Domtar about the need to install the appropriate monitoring equipment and to set up a compliance account with EPA’s Clean Air Markets Division.

Air Pollution Control Board Summary: Shelby County SSM SIP Call Response

On May 22, 2015, EPA issued a final [rule](#) to ensure states have plans in place that require sources across the country to follow air pollution rules during times when the facility is starting up or shutting down, or when a malfunction occurs (or "SSM"). This required response from states is termed the "SSM SIP Call".

The Tennessee Department of Environment and Conservation revised the Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" to resolve the issues that prompted EPA's SSM SIP Call. On July 13, 2016, that regulatory revision was presented to the Tennessee Air Control Board and approved as Tennessee's response to EPA's SSM SIP Call. These changes to Chapter 20 became effective for "State" Counties November 16, 2016.

Shelby County and the included municipalities began rulemaking to revise their local ordinances that incorporate Tennessee's Chapter 20 into its local ordinances.

Municipality	Adoption Date
Town of Arlington	November 2, 2020
City of Bartlett	December 8, 2020
Town of Collierville	November 23, 2020
City of Germantown	July 12, 2021
City of Lakeland	Scheduled 1 st reading: January 6, 2022
City of Memphis	Added to Agenda of next meeting of City Council
Town of Millington	October 12, 2020
Shelby County	January 13, 2020

Adoption by six of the eight jurisdictions in Shelby County has occurred. Final adoption is still pending for the City of Lakeland and the City of Memphis.

U.S. EPA posted on their website a [Notice of Intent](#) (NOI) to sue on May 10, 2021; the complaint claims 1) EPA failed to issue findings of failure to submit for areas that had not yet made submissions in response to the 2015 SSM SIP Call, e.g., Memphis/Shelby County, and 2) EPA failed to act on submissions made in response to the SIP Call, e.g., Tennessee. Plaintiffs include the Sierra Club, Environmental Integrity Project, and Natural Resources Defense Council.

A State Implementation Plan (SIP) revision was developed to revise the Shelby County portion of the SIP concerning SSM provisions and respond to EPA's SSM SIP Call. A public hearing was held on November 15, 2021 regarding the use of the incorporation of Tennessee's Chapter 1200-03-20 in Shelby County (and all included municipalities) as the response to EPA's SSM SIP Call for Shelby County.

Two comments were received from EPA. The first regarded the evidence of adoption of Chapter 1200-03-20 into the air codes of the City of Memphis and the City of Lakeland. Shelby County has committed to seek approval of the ordinance update in those two remaining municipalities. The second comment regards section 1200-3-20-.06(5) in the State's rule as being inconsistent with and presents the same deficiencies noted in the proposed SSM SIP Call response from Tennessee. The Pollution Control Section proposes to request approval of the adoption by reference of Tennessee's Chapter 1200-3-20 into the SIP for Shelby County and the included municipalities, with the exception of 1200-3-20-.06(5). No other comments were received.

The Tennessee Air Pollution Control Board is being asked to conditionally approve this response by Shelby County for submission to EPA as the Shelby County SSM SIP Call response provided that the two remaining areas (the City of Lakeland and the City of Memphis) submit the final adoption of Chapter 20 to TDEC APC as an amendment to be added to the SSM SIP Call response.

If approved by the Tennessee Air Pollution Control Board, the Shelby County SSM SIP revision will be submitted to EPA for inclusion into the Shelby County portion of Tennessee's SIP. The submission will be amended when the necessary remaining documents are received.

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

IN THE MATTER OF

REGULATORY AMENDMENT TO THE
SHELBY COUNTY PORTION OF THE
STATE IMPLEMENTATION PLAN (SIP)

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INCORPORATION OF REVISIONS TO
1200-03-20 AS RESPONSE TO
EPA'S SSM SIP CALL

ORDER NO. 22 - 001

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 12, 2022.

On December 22, 2021, the Shelby County Department of Health, Pollution Control Section submitted notification to the Division of regulatory changes to the ordinances in Shelby County and included municipalities. The Shelby County Department of Health, Pollution Control Section is requesting these regulatory changes be submitted to EPA as Shelby County's response to EPA's SSM SIP Call. Details of the revisions are contained in Attachment 1.

A public hearing notice of the proposed SSM SIP Call response was published in the November 2, 2021 issue of The Daily News. The various municipalities in Shelby County have adopted revisions to Chapter 1200-03-20, with two exceptions. Shelby County is requesting provisional approval of the SSM submittal contingent upon TDEC receiving documentation to supplement the submission to EPA demonstrating adoption in the remaining two municipalities (the City of Memphis and the City of Lakeland). Additional information is available in Attachment 1.

The Division of Air Pollution Control has reviewed the changes to the language in the Shelby County ordinance and finds them acceptable.

Following the Board's approval, the Shelby County portion of the State Implementation Plan shall be amended, and the regulatory amendment outlined in Attachment 1 incorporated, including additional amendments as indicated above.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee, and entered on the 12th day of January 2022.

_____	_____
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_____	_____
_____	_____
_____	_____

Board Order No. 22-001

ATTACHMENT 1

STARTUPS, SHUTDOWNS, AND MALFUNCTIONS

STATE IMPLEMENTATION PLAN (SIP)

REVISION

for

SHELBY COUNTY, TENNESSEE

**Submitted to the
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243-1531**

**By the
Shelby County Health Department
Pollution Control Section
1826 Sycamore View
Memphis, TN 38134**

January 3, 2022

SIP Submittal Documents

Startup, Shutdown, and Malfunction SIP Revision for Shelby County, TN

Table of Contents

Summary

Letter of Submittal – Shelby County, Tennessee Startup, Shutdown, and Malfunction (SSM) SIP Revision

Attachments

ATTACHMENT A Powers of the Tennessee Air Pollution Control Board

A1. TCA § 68-201-105 Powers of the Board

A2. Tennessee Air Pollution Control Board Order (placeholder)

ATTACHMENT B Evidence of Adoption –

B1. Town of Arlington, Tennessee Ordinance 2020-12

B2. Shelby County, Tennessee Ordinance No. 507

a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy

b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy

B3. City of Millington, Tennessee Ordinance 2020-15

B4. Town of Collierville, Tennessee Ordinance 2020-12

B5. City of Bartlett, Tennessee Ordinance (ID#2866)

B6. City of Germantown, Tennessee Ordinance 2021-10

B7. City of Memphis, Tennessee Ordinance (placeholder)

a. City of Memphis Air Code Section 9-12-24 (formerly Section 16-87) Rule Revision_Redline Copy

b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)

B8. City of Lakeland, Tennessee Ordinance (placeholder)

B9. TDEC-APC Rule 1200-03-20.20130619 Rule Revision_Redline Copy

B10. TDEC-APC Rule 1200-03-20.20161116 Rule Revision_Clean Copy

ATTACHMENT C Evidence of Legal Authority

C1. Tennessee Code Annotated § 68-201-115

C2. Certificate of Exemption

ATTACHMENT D Public Notice – Startup, Shutdown, and Malfunction (Daily News publication number Mqd83146)

ATTACHMENT E Public Hearing held on November 15, 2021

ATTACHMENT F Public Participation

F1. Response to Public Comments on Pre-Hearing SIP Notice

F2. EPA Comments on Prehearing SIP Submittal

F3. SCHD-PCS Response to Comments

- a. A strikethrough copy of Memphis Air Pollution Code Section 9-12-24 (formerly 16-87) is displayed her to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989-2016 time period

SUMMARY

The information below highlights the some of the events associated with the EPA's Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call as published in Federal Register on June 12, 2015 (80 FR 33840). In addition, it highlights the Department's efforts to adopt by reference Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns", as effective on December 5, 2018, into the air codes of the municipalities within Shelby County, Tennessee. With the adoption of the regulatory changes to Tennessee's Chapter 1200-3-20, the Department was required to revise the Shelby County portion of the Tennessee State Implementation Plan to address the SSM issue.

The events are as follows:

1. On June 30 2011, the Sierra Club petitioned the U.S. Environmental Protection Agency (EPA) for a rulemaking to find inadequate and correct provisions within State Implementation Plans of a number of states due to inconsistencies with Section 110 of the Clean Air Act pertaining to Startup, Shutdown, Malfunction, and/or Maintenance provisions.
2. On June 12, 2015, the EPA took final action on the Sierra Club petition and issued a Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call for a number of states, as published in Federal Register on June 12, 2015 (80 FR 33840).
3. The Tennessee Department of Environment and Conservation revised the Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" to resolve the issues that prompted EPA's SSM SIP Call. Subsequently, that regulatory revision was presented to the Tennessee Air Control Control Board on July 13, 2016 and became effective on November 16, 2016.
4. On November 2, 2020, the Town of Arlington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Town of Arlington, Section 20-101. This was done to address the issues that prompted EPA's SSM SIP Call relating to Town of Arlington Air Code, Section 20-101.
5. On January 13, 2020, the Board of Commissioners of Shelby County, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Shelby County Air Code, Section 3-9. This was done to address the issues that prompted EPA's SSM SIP Call relating to Shelby County Air Code, 3-9
6. On October 12, 2020, the City of Millington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Millington Air Code, Section 20-101. This was done to address the issues that prompted

EPA's SSM SIP Call relating to City of Millington Air Code, 20-101.

7. On November 23, 2020, the Town of Collierville, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Town of Collierville Air Code, Section 96.02. This was done to address the issues that prompted EPA's SSM SIP Call relating to Town of Collierville Air Code, 96.02.
8. On December 8, 2020, the City of Bartlett, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Bartlett, Section 20-101. This was done to address the issues that prompted EPA's SSM SIP Call relating to City of Bartlett Air Code, Section 20-101.
9. On July 12, 2020, the City of Germantown, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Germantown, Section 9-21(24). This was done to address the issues that prompted EPA's SSM SIP Call relating to City of Germantown Air Code, Section 9-21(24).
10. On December 8, 2021, the City of Lakeland notified the Department that the SSM ordinance to adopt by reference Tennessee's Chapter 1200-3-20 will go to committee on January 6, 2021 for the first reading. Although this item is pending the Department expects approval to occur very soon.
11. On December 13, 2021, the City of Memphis notified the Department that the SSM ordinance to adopt by reference Tennessee's Chapter 1200-3-20 has been placed on the City Council's agenda and is recommended for approval. Although this item is pending the Department expects approval to occur very soon.
13. A State Implementation Plan was developed to revise the Shelby County portion of the Tennessee State Implementation Plan concerning Startup, Shutdown, and Malfunction (SSM) provisions. Upon approval of the Tennessee Air Control Board, the Shelby County SSM SIP revision will be submitted to EPA for a rulemaking.
14. SSM SIP revision Submittal Letter, Public Notice, evidence of Public Hearing, and supporting documents included.

In summary, this revision to the Shelby County portion of the Tennessee State Implementation Plan was undertaken to update air codes in Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington. In addition, it was done to address the issues outlined in EPA's SSM SIP Call as published in Federal Register on June 12, 2015 (80 FR 33840). This revision removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

LETTER OF SUBMITTAL – Shelby County, Tennessee Startup, Shutdown, and Malfunction
(SSM) SIP Revision



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

MICHELLE A. TAYLOR, MD, DrPH, MPA
DIRECTOR

BRUCE RANDOLPH, MD, MPH
HEALTH OFFICER



Public Health
Prevent. Promote. Protect.

December 21, 2021

Ms. Michelle Owenby, Division Director
Tennessee Department of Environment and Conservation Division
of Air Pollution Control
William R. Snodgrass Tennessee Tower 312
Rosa L. Parks Avenue, 15th Floor Nashville,
Tennessee 37243

Re: Request to Incorporate a Revision of the Air Codes of Shelby County and the included Municipalities into the Federally Approved SIP for Tennessee

Dear Ms. Owenby,

The Shelby County Health Department (Department) respectfully requests that the Tennessee Air Pollution Control Board approve a revision to the Shelby County portion of the Tennessee State Implementation Plan (SIP). This revision amends the air codes of Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington through the incorporation by reference (IBR) of Tennessee's Rules and Regulations, Chapter 1200-03-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns", as effective on December 5, 2018. However, to avoid the issues and concerns that EPA has expressed to TDEC concerning Tennessee's Chapter 1200-3-20, at this time the Department proposes to adopt everything except 1200-3-20-.06(5). This revision will update local air codes and should address EPA's Startup, Shutdown and Malfunction (SSM) SIP Call published in the Federal Register on June 12, 2015 (80 FR 33840), as it removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

In accordance with Title 40 CFR Part 51, §51.103 and Appendix V, the Department submits the following administrative materials:

1. Powers of the Tennessee Air Pollution Control Board –

A copy of Tennessee Code Annotated §68-201-115, Powers and Duties of the Board... included in **Attachment A**. Upon approval, the Department respectfully request that the Board Order is put in the "placeholder" in this attachment.

2. Evidence of Adoption -

Copies of the ordinance revisions adopted by each jurisdiction are included in this submittal in **Attachment B** titled "Evidence of Adoption". The ordinance numbers, adoption dates, and effective dates are provided in the table below.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Jurisdiction	Ordinance #	Adoption Date	Effective Date
Shelby County	Ordinance No. 507	1/13/2020	1/13/2020
City of Memphis	underway	underway	underway
Town of Arlington	Ordinance 2020-12	11/2/2020	11/2/2020
City of Bartlett	Ordinance 20-08	12/8/2020	12/8/2020
Town of Collierville	Ordinance 2020-12	11/23/2020	11/23/2020
City of Germantown	Ordinance 2021-10	7/12/2021	7/12/2021
City of Lakeland	underway	underway	underway
City of Millington	Ordinance 2020-15	10/12/2020	10/12/2020

As the table indicates, the adoption of Tennessee's Chapter 1200-03-20, as effective on December 5, 2018, in the City of Memphis and City of Lakeland is currently "underway". On December 13, 2021, the Department received notification from the City of Memphis that the ordinance to adopt Tennessee's Rules and Regulations, Chapter 1200-03-20 has been placed on the City Council's agenda and is recommended for approval. A "Draft" of that ordinance is included in this submittal. According to Memphis City Council "Rules of Procedures", the council meets on the first and the third Tuesday of every month and three readings are required to adopt an ordinance. Considering this timeframe, we anticipate adoption of this ordinance no sooner than late January or early February of 2022.

In the City of Lakeland, the Board of Commissioners meet on the first and second Thursday of each month. According to the Lakeland Municipal Code, the ordinance approval process requires only two readings and can be completed in as little as two to three weeks. On December 8, 2021, the Department received notification from the City of Lakeland, that the ordinance to adopt Tennessee's Rules and Regulations, Chapter 1200-03-20, as effective on December 5, 2018, will go to committee on January 6, 2021 for the first reading. The Department anticipates that the City of Lakeland could adopt this ordinance by late January or early February of 2022.

All and all, the Department continues to work vigorously to promote the adoption of this version of Tennessee's Chapter 1200-03-30, as effective on December 5, 2018, into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

3. Evidence of Legal Authority -

Pursuant to Tennessee Code Annotated §68-201-115, the Shelby County Health Department administers a local air pollution program under a Certificate of Exemption. Copies of Tennessee Code Annotated §68-201-115 and the Certificate of Exemption are included in this submittal in **Attachment C** titled "Evidence of Legal Authority".

4. Redline Strikethrough and Clean Copy –

In general, unless locally developed regulations are as stringent or more stringent than either federal or state air regulations, Shelby County, Tennessee and all included municipalities incorporate by reference air codes taken from Tennessee's Rules and Regulations. The same is true for Tennessee's Chapter 1200-03-20, as effective December 5, 2018. This regulation was uniformly adopted by each municipality within Shelby County. Thus, a redline strikethrough

and clean copy of Tennessee's Chapter 1200-03-20 and Shelby County Section 3-9 are provided to demonstrate what was deleted and what was added is included in this submittal in the "Evidence of Adoption - Redline Strikethrough and Clean Copy". Additionally, a redline strikethrough of City of Memphis Section 9-12-24 is also displayed, however, as ordinance adoption in that jurisdiction is still underway, the clean version is not displayed.

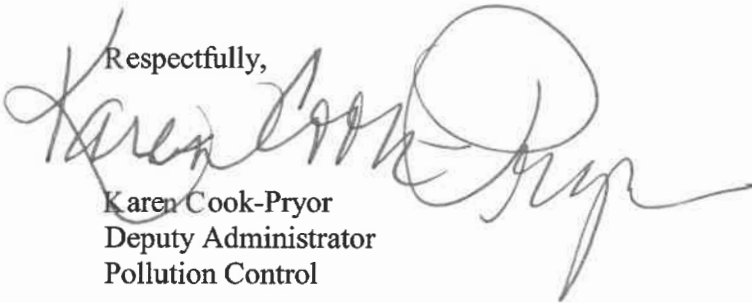
5. Public Notice –

In accordance with 40 CFR 51.102, the Department offered the public 30 days to comment on the proposed SIP revision. A public hearing was held on November 15, 2021. The public hearing notice is included this submittal in **Attachment D** and the meeting minutes are included in **Attachment E**.

The Department has submitted the above referenced plan to your office for distribution to the Tennessee State Air Pollution Control Board. It is anticipated that the Board will approve the plan in the Governor's name for submission to the United States Environmental Protection Agency (EPA), Region IV Headquarters in Atlanta. In keeping with procedural requirements found in 40 CFR 51.103, on approval, we request that you submit the plan to EPA using the State Planning Electronic Collaboration System (SPeCS) for SIPs web-based interface.

The Department appreciates TDEC's assistance in preparing and submitting this important Plan to EPA. If you require anything further, please contact Larry Smith at (901) 222-9578 or by email at larry.smith@shelbycountyttn.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Karen Cook-Pryor", is written over the typed name and title.

Karen Cook-Pryor
Deputy Administrator
Pollution Control

ATTACHMENT A

Powers of the Tennessee Air Pollution Control Board

A1. TCA § 68-201-105 Powers of the Board

FOCUS™ Terms Search Within Original Results (1 - 1) Advanced...
View Tutorial

View

Tenn. Code Ann. § 68-201-105 (Copy w/ Cite)
Tenn. Code Ann. § 68-201-105

Pages:4

TENNESSEE CODE ANNOTATED
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*** Current through the 2014 Regular Session and amendments approved at the November 4, 2014 General Election ***

Title 68 Health, Safety and Environmental Protection
Environmental Protection
Chapter 201 Tennessee Air Quality Act
Part 1 Tennessee Air Quality Act

Tenn. Code Ann. § 68-201-105 (2015)

68-201-105. Powers and duties of board -- Notification of vacancy -- Termination due to vacancy -- Conflict of interest policy.

(a) (1) The board has the power and duty to:

(A) Promulgate rules and regulations to effect the intent and purpose of this part, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Such rules and regulations may include, but are not necessarily limited to, those defining: ambient air quality standards; emission standards; general policies or plans; a system of permits; and a schedule of fees for review of plans and specifications, issuance or renewal of permits or inspection of air contaminant sources. Emission standards for stationary sources adopted by the board shall include regulations based on the weight of materials entering the process causing the emission as an optional alternative to regulations previously adopted;

(B) Promulgate rules that authorize the technical secretary to issue permits that contain all provisions applicable to sources that are necessary under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., and the effective regulations pursuant to such act, and that are necessary under this chapter and the effective rules of the board. The issuance of a permit by the technical secretary under the rules authorized by this subsection (a) shall not repeal by implication any rules of the board. The board shall monitor regulations under the Clean Air Act that are proposed by the United States environmental protection agency. If the environmental protection agency promulgates a rule that would roll back federal requirements under the Clean Air Act, the board shall initiate rulemaking on that subject and determine whether Tennessee should have a more restrictive rule than the federal rule on that subject;

(2) Hold hearings and issue such orders and determinations as may be necessary to effect the intent and purpose of this part;

(3) Establish, modify, or amend, without hearing, policies, practices, rules or regulations with respect to procedural aspects of board activities; and

(4) Cause legal proceedings to be instituted in a court of competent jurisdiction, to compel compliance with any order issued by the board, requirement of this part, or rule or regulation adopted pursuant to this part.

(b) The department has the power and duty to:

(1) Develop and recommend to the board plans for a comprehensive air pollution control program for the state, to review such plans from time to time and recommend to the board such changes as may be deemed appropriate;

(2) Require that any person furnish the department information required by it in discharge of its duties under this part, if the department has reason to believe such person is, or may be about to, causing or contributing to air pollution; provided, that no such person shall be required to disclose any secret formulae, processes or methods used in any manufacturing operation carried on by such person or under such person's direction. The composition of air contaminants shall not be considered secret unless so declared by the department, and the department shall have the power to issue protection orders to prevent public dissemination;

(3) Enter at all reasonable times in or upon any private or public property except private residences for the purpose of inspecting and investigating any condition which the department shall have reasonable cause to believe to be an air contaminant source;

(4) Provide such technical, scientific and other services as may be required for carrying out this part. The basic personnel for such purposes shall be those employed by the department; however, the department, may, by agreement, secure these or other services from any other agency, and within budgetary limitations may arrange compensation for such services;

(5) Receive, budget, receipt for and administer such moneys as are duly appropriated or granted for the purpose of this part; provided, that all such moneys shall be deposited with the state treasurer;

(6) Represent the state in matters pertaining to plans, procedures or negotiations for interstate compacts relative to air pollution or in matters pertaining to air quality control regions;

(7) Collect and disseminate information relative to air pollution; encourage voluntary cooperation of affected persons or groups in preserving and restoring a reasonable degree of air purity; advise, consult and cooperate with other agencies, persons or groups in matters pertaining to air pollution; and encourage authorized air pollution agencies of political subdivisions to handle air pollution problems within their respective jurisdictions to the greatest extent possible and to provide technical assistance to political subdivisions requesting same; and

(8) Cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with any order issued by the board.

(c) In exercising their powers and duties relative to major energy projects, as defined in § 13-18-102, the board and the departments shall participate in the joint review process and expedited review process provided for by the Major Energy Project Act of 1981, compiled in title 13, chapter 18.

(d) (1) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, the board shall report to the government operations committees of the house of representatives and the senate as to why such vacancies have not been filled.

(2) If more than one half (1/2) of the positions on the board are vacant for more than one

hundred eighty (180) consecutive days, the board shall terminate; provided, that the board shall wind up its affairs pursuant to § 4-29-112. If the board is terminated pursuant to subdivision (d)(1) it shall be reviewed by the evaluation committees pursuant to the Uniform Administrative Procedures Act before ceasing all its activities. Nothing in subdivision (d)(1) shall prohibit the general assembly from continuing, restructuring, or re-establishing the board.

(e) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

HISTORY: Acts 1967, ch. 367, § 5; 1971, ch. 321, § 1; 1971, ch. 362, §§ 6, 11; modified; Acts 1979, ch. 299, § 7; 1981, ch. 131, § 27; T.C.A., § 53-3412; Acts 1984, ch. 788, § 4; T.C.A., § 68-25-105; Acts 2000, ch. 835, § 4; 2002, ch. 701, § 1; 2012, ch. 765, § 5.

View

◀ 1 of 1 ▶

Book Browse

Tenn. Code Ann. § 68-201-105 (Copy w/ Cite)

Pages:4



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A2.

Tennessee Air Pollution Control Board Order (Place Holder)

ATTACHMENT B

Evidence of Adoption

B1. Town of Arlington, Tennessee Ordinance 2020-12

ORDINANCE 2020-12

**AN ORDINANCE TO AMEND TITLE 20, CHAPTER 1, AIR POLLUTION CONTROL
CODE OF THE TOWN OF ARLINGTON, TENNESSEE MUNICIPAL CODE.**

- WHEREAS,** On June, 30, 1969, the operation of the local air pollution program was established and has served to continuously protect air quality in Arlington and Shelby County and efficiently meet the needs of those regulated by air pollution control laws; and
- WHEREAS,** the Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.CA § 68-201-101 et seq.; and
- WHEREAS,** The State of Tennessee Air Pollution Control Board on May 14, 2014 approved a certificate of exemption (COE) for Unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of state control of this environmental program throughout Shelby County; and
- WHEREAS,** The COE stipulated that the local open burning regulations provide and expedited process to grant waivers in order for it to comply with recent legislation amending the Tennessee Code Annotated Section 68-201-115(e) to provide for such expedited approval in limited situations; and
- WHEREAS,** the Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws, which has also been adopted in unincorporated Shelby County and all other municipalities in Shelby County; and
- WHEREAS,** it is necessary to amend the Municipal Code to coincide with Shelby County Air Code in its entirety for the code to be enforced. The Town of Arlington has determined that this can best be accomplished by removing the current adopted language and adopting Shelby County Air Pollution Code.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Mayor and Alderman of the Town of Arlington, Tennessee, that all sections of Title 20, Chapter 1 of the Arlington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101: Shelby County Air Code effective within the Town. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:

20-102: Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its final reading and publication in a newspaper of general circulation, the public health, safety and welfare requiring it.

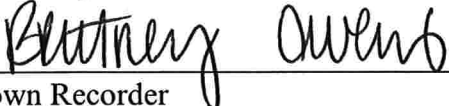
First Reading: October 5th, 2020

Publication Date: October 13th, 2020

Second Reading: November 2nd, 2020

Public Hearing: November 2nd, 2020


Mayor

Attest:

Town Recorder

Town of Arlington

5854 Airline Road
PO Box 507
Arlington, TN 38002



P: 901.867.2620

F: 901.867.2638

October 9, 2020

To: The Commercial Appeal

From: Brittney Owens, Town Recorder/Treasurer

Please publish on Tuesday October 13, 2020 to read as follows:

PUBLIC NOTICE

The Town of Arlington Board of Mayor and Aldermen will hold a Public Hearing and Second and Final reading on Monday November 2, 2020 at Town Hall, 5854 Airline Road, Arlington, Tennessee, at 6:30 PM for the following:

Second and Final Reading of Ordinance 2020-10 to amend the Arlington Zoning Ordinance, Chapter 4 to remove self-storage uses as a Conditional Use in B-2: General Commercial Zones.

Second and Final Reading of Ordinance 2020-11 to amend the Town of Arlington Zoning Map by rezoning a 61.2-acre lot on the East side of Chester Street, roughly 740 feet South of Pinckley Rd, From E: Estate to RS-22: Low Density Residential.

Second and Final Reading of Ordinance 2020-12 to amend Title 20, Chapter 1, Air Pollution Control Code of the Town of Arlington, Tennessee Municipal Code.

**Board of
Mayor &
Aldermen**

Mike Wissman
Mayor

Harry McKee
Vice Mayor

Larry Harmon
Alderman

Russell Wiseman
Alderman

Jeff McKee
Alderman

Oscar Brooks
Alderman

Jeremy Biggs
Alderman

B2. Shelby County, Tennessee Ordinance No. 507

Item #: 45

Moved by: BRADFORD

Prepared by: Larry J. Smith

Seconded by: BROOKS

Reviewed by: Esther Sykes-Wood

ORDINANCE NO. 507

ORDINANCE BY THE BOARD OF COMMISSIONERS FOR SHELBY COUNTY, TENNESSEE, TO AMEND THE SHELBY COUNTY AIR CODE BY INCORPORATING BY REFERENCE SPECIFIED STATE EMISSION STANDARDS. SPONSORED BY COMMISSIONER VAN D. TURNER, JR.

WHEREAS, The operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, In order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a), provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty

(30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Clerk of the Shelby County Commission three (3) copies of State regulations to be incorporated by reference, as well as the date and time of public hearing regarding the adoption of such Ordinance; and

WHEREAS, It is the intent of Shelby County to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, Maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State control of Shelby County air pollution sources subject to these controls, specifically certain provisions found in the State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, The adoption of this Ordinance will require the affirmative vote of the majority of the Shelby County Board of Commissioners as no new fine is established by this adoption and update.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the following sections of the State Rules and Regulations, as effective on December 5, 2018, are incorporated herein by reference and shall be adopted and approved as requirements of this

jurisdiction: Chapter 1200-03-02 titled Definitions, Chapter 1200-03-03 titled Ambient Air Quality Standards, Chapter 1200-03-05 titled Visible Emission Regulations, Chapter 1200-03-06 titled Non-Process Emission Standards, Chapter 1200-03-07 titled Process Emission Standards, Chapter 1200-03-09 titled Construction and Operating Permits, Chapter 1200-03-10 titled Required Sampling, Recording and Reporting, Chapter 1200-03-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-03-15 titled Emergency Episode Plan, Chapter 1200-03-16 titled New Source Performance Standards, Chapter 1200-03-18 titled Volatile Organic Compounds, Chapter 1200-03-20 titled Limits on Emissions Malfunctions, Startups and Shutdowns, Chapter, 1200-03-21 titled General Alternate Emission Standards, Chapter 1200-03-22 titled Lead Emission Standards, Chapter 1200-03-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-03-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-03-30 titled Acid Precipitation Control, Chapter 1200-03-31 titled Case by Case Determinations of Hazardous Air Pollutant Control Requirements, Chapter 1200-03-32 titled Prevention of Accidental Releases, and Chapter 1200-03-34 titled Conformity.

BE IT FURTHER ORDAINED, That the State Rules and Regulations that had been previously adopted by reference into the County Air Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and also described in this table:

County Air Code Section	Previously Adopted State Rules and Regulations to Be Deleted in County Air	State Rules and Regulations, Effective as of December 5, 2018, to Be Adopted and Substituted into Corresponding County Air Code Section
-------------------------	--	---

	Code		
3-1A	1200-3-2	Definitions	1200-03-02
3-6	1200-3-3	Ambient Air Quality Standards	1200-03-03
3-17	1200-3-5	Visible Emission Regulations	1200-03-05
3-21	1200-3-6	Non-Process Emission Standards	1200-03-06
3-20	1200-3-7	Process Emission Standards	1200-03-07
3-5	1200-3-9	Construction and Operating Permits	1200-03-09
3-7	1200-3-10	Required Sampling, Recording and Reporting	1200-03-10
3-25	1200-3-11	Hazardous Air Contaminants	1200-03-11
3-8	1200-3-12	Methods of Sampling and Analysis	1200-03-12
3-24	1200-3-14	Control of Sulfur Dioxide Emissions	1200-03-14
3-14	1200-3-15	Emergency Episode Plan	1200-03-15
3-15	1200-3-16	New Source Performance Standards	1200-03-16
3-22	1200-3-18	Volatile Organic Compounds	1200-03-18
3-9	1200-3-20	Limits on Emissions Malfunctions, Startups & Shutdowns	1200-03-20
3-28	1200-3-21	General Alternate Emission Standards	1200-03-21
3-29	1200-3-22	Lead Emissions Standards	1200-03-22
3-40	1200-3-24	Good Engineering Practice Stack Height Regulations	1200-03-24
3-39	1200-3-25	Standards for Infectious Waste Incinerators	1200-03-25
3-36	1200-3-30	Acid Precipitation Control	1200-03-30
3-37	1200-3-31	Case by Case Determinations of Hazardous Air Pollutant Control Requirements	1200-03-31
3-38	1200-3-32	Prevention of Accidental Releases	1200-03-32
3-26	1200-3-34	Conformity	1200-03-34

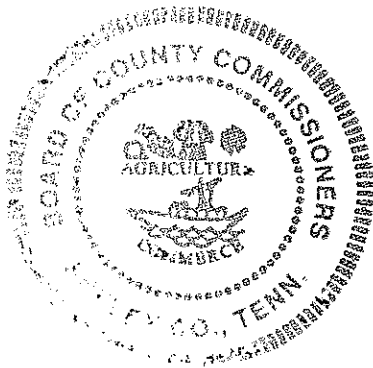
BE IT FURTHER ORDAINED, That Chapter 3 of the Shelby County Code of Ordinances is amended to make such changes as necessary to implement the update of this Code.

BE IT FURTHER ORDAINED, The provisions of this Ordinance are hereby declared to be severable. Should any of these sections, provisions, sentences, clauses,

phrases, words, or parts be held unconstitutional or void, the remaining portions shall continue in full force and effect.

BE IT FURTHER ORDAINED, That except as amended by this Ordinance, the County Air Code shall remain in full force and effect as previously adopted.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect in unincorporated areas of Shelby County in accordance with Shelby County Charter, Article II, Section 2.06(C).



Lee Harris
County Mayor

Date: 1/21/2020

ATTEST:

Clerk of County Commission

FIRST READING: November 18, 2019

SECOND READING: December 9, 2019

ADOPTED
THIRD READING: January 13, 2020

SUMMARY SHEET

I. Description of Item

Request approval of ordinance to adopt by reference pursuant to T.C.A. 68-201-115 the following Tennessee code sections of the Clean Air Act so as to update and align with current State and Federal regulations:

Tennessee Chapter 1200-3-2 titled Definitions, Chapter 1200-3-3 titled Ambient Air Quality Regulations, Chapter 1200-3-5 titled Visible Emissions, Chapter 1200-3-6 titled Non process Emission Standards, Chapter 1200-3-7 titled Process Emissions Standards, Chapter 1200-3-9 titled Construction and Operating Permits, Chapter 1200-3-10 titled Required Sampling, Recording and Reporting, Chapter 1200-3-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-3-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-3-15 titled Emergency Episode Plan, Chapter 1200-3-16 titled New Source Performance Standards, Chapter 1200-3-18 titled Volatile Organic Compounds, Chapter 1200-3-20 titled Limits on Emissions due to Malfunctions, Startups and Shutdowns, Chapter, 1200-3-21 titled General Alternate Emission Standards, Chapter 1200-3-22 titled Lead Emission Standards, Chapter 1200-3-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-3-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-3-30 titled Acid Precipitation Standard, Chapter 1200-3-31 titled National Emission Standards for Hazardous Air Pollutants for Source Categories, Chapter 1200-3-32 titled Prevention of Accidental Releases, Chapter 1200-3-34 titled Conformity.

II. Source and Amount of Funding

None.

III. Contract Items

None. See Certificate of Exemption from the State of TN that allows Shelby County to carry out the administration and enforcement of the TN Clean Air Act. T.C.A. 68-201-115.

IV. Additional Information Relevant to Approval of this Item

Administration recommends approval of this Resolution.



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, January 13, 2020

Commissioner Mark Billingsley, Chairman
Commissioner Eddie S. Jones, Jr. Chairman Pro Tempore
Commissioner David C. Bradford
Commissioner Willie F. Brooks, Jr.
Commissioner Edmund Ford, Jr.
Commissioner Mickell Lowery
Commissioner Amber Mills

Commissioner Reginald Milton
Commissioner Brandon G. Morrison
Commissioner Tami Sawyer
Commissioner Van D. Turner, Jr.
Commissioner Michael Whaley
Commissioner Mick Wright

WQOX – 88.5 FM <http://voiceofscs.com/>
Live streaming <http://www.shelbycountyttn.gov/index.aspx?NID=1218>

3:00 PM

COMMISSION CONVENES

1/17/2020 9:06 AM

CALL TO ORDER

Chairman Mark Billingsley

OPENING OF THE COMMISSION

Deputy Sheriff Sammie Jones

INVOCATION

**Reverend James A. Jones,
Associate Minister
Prosperity Missionary Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

**ADOPTED
AS AMENDED**

**Approval of Minutes of Previous Session
December 9, 2019**

FORD
ADOPTED

- 1A. RECONSIDERATION – ITEM 47 – DECEMBER 9, 2019
Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Thistle & Bee Enterprises, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr.

Announcement for Appearance Cards for Public Speaking/Public Comment Pursuant to Rule # 14(b)

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

1. Introduction of Mr. John Brown, the newly appointed Executive Director of the Mid-South Chapter of the American Red Cross by Commissioner Tami Sawyer.
2. Special Resolution honoring Delta Sigma Theta Sorority, Inc., on the occasion of its 107th Anniversary. Sponsored by Commissioners Willie F. Brooks, Jr., Eddie S. Jones, Jr. and Mickell Lowery.

BROOKS
ADOPTED

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

FORD
ADOPTED

3. Resolution approving a contract with CenturyLink Communications, LLC for Information Technology Services West Data Center internet connection for an amount not to exceed \$119,736.00, commencing upon the execution of contract through June 30, 2023, with the option to renew for two (2) additional one (1) year periods. This item requires an annual expenditure of FY 2020 Information Technology Services Internal Service Funds not to exceed \$19,956.00 annually. Sponsored by Commissioner Eddie S. Jones, Jr.

FORD
ADOPTED

4. Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby

**FORD
ADOPTED**

4. Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby County other Post Employment Benefits (OPEB) Trust for the year ending June 30, 2019. Sponsored by Commissioner Eddie S. Jones, Jr.

**BRADFORD
ADOPTED**

5. Resolution approving the issuance of Purchase Orders by Shelby County Government to Southern Tire Mart, LLC and Steepleton Tire Company for the purchase of vehicle tire replacement for the Fiscal Year 2020. This item requires the expenditure of Internal Service Funds (Fleet Services) in an amount not to exceed \$146,624.30 and the expenditure of County General Funds (Sheriff) in an amount not to exceed \$110,000.00, for a total expenditure not to exceed \$256,624.30, commencing upon issuance through June 30, 2020, with the option to renew for two (2) additional one-year periods. Sponsored by Commissioner David C. Bradford, Jr.

**BRADFORD
ADOPTED**

6. Resolution approving a contract with Standard Construction Company in the amount of \$3,622,810.00 for the FY 2020 Asphalt Paving Project for the North Section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of \$3,622,810.00. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

7. Resolution approving a contract with Standard Construction Company in the amount of \$3,484,473.60 for the FY 2020 Asphalt Paving Project for the south section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of \$3,484,473.60. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

8. Resolution approving a contract with Sol Engineering Services, LLC in the amount of \$240,000.00 for Construction Engineering Inspection (CEI) Services of the Wolf River Greenway Phase 10A segment of the National Resilience Disaster Grant. This item requires an expenditure of FY 2020 Resilience Grant Funds in the amount of \$240,000.00. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

9. Resolution to grant a twenty foot wide permanent water utility easement, totaling 400 square feet (0.01 ACRES) in size, across a portion of County owned real property, designated for Shelby County Health Department use, to the City of Memphis, for the use and benefit of the Memphis Light, Gas and Water Division, for nominal consideration, for its installation of a permanent water service to the new Health Department Complex, now under construction at 814 Jefferson Avenue. Sponsored by Commissioner David Bradford.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

10. Resolution approving a three month contract extension with Wellpath, LLC for the provision of juvenile detainee medical care at the Juvenile Detention Center for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Operating Funds in an amount not to exceed \$225,952.24 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.

**BRADFORD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

11. Resolution approving a three month contract extension with Wellpath, LLC for the provision of inmate medical care at the Shelby County Jails and the Department of Corrections for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Funds in an amount of \$3,103,068.57 and Enterprise Funds in an amount not to exceed \$1,822,437.09 for a total contract amount not to exceed \$4,925,505.66 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.

**MILLS
ADOPTED**

12. Resolution awarding County Funds from the Fiscal Year 2020 Capital Improvement Plan (CIP) budget in the amount of \$20,000.00 to the City of Lakeland for purposes of installing neighborhood security cameras and appropriating funds for County Commission District #3. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of \$20,000.00. Sponsored by Commissioner Mick Wright.

**MILLS
ADOPTED**

13. Resolution to approve an amendment to the current contract with Tyler Technologies, Inc., in the amount not to exceed \$305,082.12 for Odyssey maintenance and support services of the Case Management System for General Sessions Criminal Court Clerk, Criminal Court Clerk, and Pretrial Services. This item requires expenditure of FY 2020 General Funds in an amount not to exceed \$235,600.12 and General Sessions Criminal Court Clerk Special Revenue Funds in an amount not to exceed \$69,482.00. Sponsored by Commissioner Amber Mills.

**MILLS
ADOPTED**

14. Resolution to amend the FY 2020 Operating Budget in the amount of \$35,000.00 for the purpose of approving a contract with Avenue Government Systems, LLC in an amount not to exceed \$35,000.00 for Probate Court to acquire and implement Tybera E-Filing. This item requires expenditure of FY 2020 General Funds in an amount not to exceed \$17,500.00 from Information Technology Services General Fund and expenditure and appropriation in an amount not to exceed \$17,500.00 from Probate Court Planned use of Fund Balance. Sponsored by Commissioner Amber Mills.

**MILLS
ADOPTED**

15. Resolution awarding County Funds from the FY 2020 Capital Improvement Plan (CIP) budget in the amount of \$125,000.00 Shelby County Sheriff's Office (\$25,000.00), the City of Memphis (\$25,000.00) and the City of Collierville (\$75,000.00) for the purposes of installing neighborhood security cameras and appropriating funds

for County Commission District 2. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of \$125,000.00. Sponsored by Commissioner David Bradford.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

16. Resolution ratifying amendments by the Shelby County Board of Education increasing their Operating Budget for Fiscal Year 2020 in the amount of \$4,522,469.00, as adopted by the Shelby County Board of Education on December 3, 2019. This Resolution does not increase the approved FY 2020 Funding Level from Shelby County Government. Sponsored by Commissioner Michael Whaley.

**SAWYER
ADOPTED**

17. Resolution to amend the FY 2020 Operating Budget in the amount of \$37,200.00 and to appropriate said funds, and to amend the Position Control Budget to increase the position count by 1.0 FTE for the period of February 1, 2020 through June 30, 2020, to expend grant funds from the Tennessee Department of Health for the Shelby County Crime Victims & Rape Crisis Center to coordinate a Rape Prevention and Education Training Program. This item requires the appropriation and expenditure of FY 2020 Federal thru State Grant Funds in the amount of \$37,200.00. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

18. Resolution amending the FY 2020 Operating Budget to expend unused grant funds from prior contract year in the amount of \$300,823.00 for the period of July 1, 2019 through June 30, 2020, from the United States Department of Justice and to approve two (2) service provider contracts (University of Tennessee Health Science Center, Center for Addiction Science in the amount of \$475,604.00 and the Public Safety Institute of University of Memphis in the amount of \$140,500.00) from the date of execution through June 30, 2020, with the option to renew for two (2) additional one-year periods beginning July 1st through June 30th to provide professional services to support the county's comprehensive opioid site-based program. This item requires the appropriation of FY 2020 Federal Grant Funds in the amount of \$300,823.00 and expenditure of FY 2020 Federal Grant Funds in the amount not to exceed \$616,104.00. Sponsored by Commissioner Tami Sawyer.

**BILLINGSLEY
ADOPTED**

19. Resolution approving the election of Notaries Public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Mark Billingsley.

**JONES
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

20. Resolution to approve a grant contract with Riverfront Development Corporation in an amount not to exceed \$3,300,000.00. This grant aligns with the Shelby County Board of Commissioners' Strategic Priorities and directly serves the citizens of Shelby County. This item requires the appropriation and expenditure of FY 2020 Capital Improvement Plan (CIP) Fund in an amount not to exceed \$3,300,000.00. Sponsored by Commissioner Van D. Turner, Jr., Chairman Mark Billingsley, Commissioner Mickell Lowery, Commissioner Brandon Morrison, Commissioner Eddie S. Jones, Jr., and Commissioner Willie F. Brooks, Jr.

**MILLS
ADOPTED**

21. Resolution approving the sale of ONE HUNDRED TWENTY-NINE County-owned Delinquent Tax Parcels acquired from various Shelby County tax sales to identified purchasers at various prices collectively totaling \$268,725.00, pursuant to the sale provisions of

Tennessee Code Annotated, Section 67-5-2507, and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Eddie F. Jones, Jr.

**WHALEY
ADOPTED**

22. Resolution approving a contract in the amount not to exceed \$214,201.90 between Shelby County Government and Nickson General Contractors, Inc., for construction services for HVAC Replacement at 6449 Haley Road. This item requires an expenditure of FY 2020 Roads & Bridges Funds in the amount of \$214,201.90. Sponsored by Commissioner Michael Whaley.

**WHALEY
ADOPTED**

23. Resolution approving a lease agreement between Shelby County Government and Mary Mitchell, d/b/a Orange Mound Arts Council, for the Operation of a Neighborhood Community Center located at 2471 Park Avenue, Memphis, Tennessee. The sum of said lease is \$1.00 per annum, beginning immediately upon execution of the lease and continuing for twenty-five (25) years, with the option to renew for one (1) additional twenty-five year period, and to authorize the Shelby County Mayor to execute the lease. Sponsored by Commissioner Michael Whaley.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

24. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Room In the Inn-Memphis, a charitable organization. Sponsored by Chairman Mark Billingsley.

**SAWYER
ADOPTED**

25. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,050.00 to Madonna Learning Center, a charitable organization. Sponsored by Commissioner Mark Billingsley.

**SAWYER
ADOPTED**

26. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Nation Enrichment Projects, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.

**SAWYER
ADOPTED**

27. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Brian Callies Foundation, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.

**SAWYER
ADOPTED**

28. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Schoolseed Foundation for White Station Community Court Project, Inc., a charitable organization. Sponsored by Commissioner Brandon Morrison.

**SAWYER
ADOPTED**

29. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Abundant Earth Global CDC, a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

30. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Heights CDC, a charitable organization. Sponsored by Commissioner Michael Whaley.

**SAWYER
ADOPTED**

31. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Partners in Education, a charitable organization. Sponsored by Commissioner David Bradford.

**SAWYER
ADOPTED**

32. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Memphis Jewish Community Center, a charitable organization. Sponsored by Commissioner Brandon Morrison.

**SAWYER
ADOPTED**

33. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Developing Youth for the Future, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.

**BILLINGSLEY
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

34. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to The Blues Foundation, a charitable organization. Sponsored by Commissioner Tami Sawyer and Chairman Mark Billingsley.

**SAWYER
ADOPTED**

35. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Circuit Playhouse, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

36. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Rotary-FYI, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

37. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$12,000.00 to Collierville Education Foundation, a charitable organization. Sponsored by Commissioner David Bradford.

**JONES
(REMOVED TO
REGULAR
AGENDA)
ADOPTED
AS AMENDED**

38. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$6,000.00 to Memphis Urban League, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.

**SAWYER
ADOPTED**

39. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$8,000.00 to Young Actors Guild, a charitable organization. Sponsored by Commissioner Eddie S. Jones, Jr.

**SAWYER
ADOPTED**

40. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$3,000.00 to Couture Cares, a charitable organization. sponsored by Commissioner Eddie S. Jones, Jr.

**JONES
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

41. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Sidney's Friends, a charitable organization. Sponsored by Commissioner Van D. Turner, Jr., and Commissioner Eddie S. Jones.

**BRADFORD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

42. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Promise Development Corporation, a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

43. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$4,000.00 to Academy for Youth Empowerment, a charitable organization. Sponsored by Commissioner Reginald Milton and Commissioner Van D. Turner, Jr.

**MORRISON
ADOPTED**

44. Resolution amending the FY 2020 Operating Budget to expend unused funds from a multi-year grant award in the amount \$6,653.00 and to strengthen the Workforce Development System through innovation, alignment and improvement of employment training and education programs for the Greater Memphis Area Workforce Investment Network (WIN) for the period of October 1, 2018 through September 30, 2019. This item requires the appropriation and expenditure of FY 2020 Federal through State grant funds in the amount of \$6,653.00. Sponsored by Commissioner Brandon Morrison.

**MILLS
ADOPTED**

APPROVAL OF CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

**BRADFORD
ADOPTED**

45. **ORDINANCE -- THIRD READING** -- Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend the Shelby County Air Code by incorporating by reference specified State Emission Standards. Sponsored by Commissioner Van D. Turner, Jr.

**TURNER
APPROVED**

46. **ORDINANCE -- FIRST READING** -- Ordinance to create a dedicated capital investment in transportation to support environmentally sustainable, clean energy and hybrid energy capital projects. Sponsored by Commissioner Van D. Turner, Jr., Commission Chairman Mark Billingsley, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Tami Sawyer, Commissioner Brandon Morrison and Commissioner Michael Whaley.

**LOWERY
APPROVED**

47. **ORDINANCE -- SECOND READING** -- Ordinance to rescind Ordinance No. 113 entitled "Ordinance to adopt Supplement No. 1 to the Code of Shelby County, Tennessee", adopted on November 23, 1992, solely as it pertains to Chapter 19, Article II, Music Commission. Sponsored by Commissioner Mickell Lowery.

Zoning and Subdivisions

**WHALEY
ADOPTED**

48. Resolution pursuant to Chapter 9.8 of the Unified Development Code of the County of Shelby and the City of Memphis, Tennessee, accepting the physical closure of McCalla Road Public Right-Of-Way from its intersection with Austin Peay Highway (TN Hwy 14) at the Northwest side of Austin Peay Highway (TN Hwy 14) and McCalla Road, known as Case No. S.A.C. 19-09 CO. Sponsored by Commissioner Edmund Ford, Jr.

Reports and/or Resolutions for Standing Committees

**BRADFORD
ADOPTED**

49. Resolution amending the Fiscal Year (FY) 2020 Capital Improvement and Operating Budgets and approving the purchase of modular furniture and installation services from Spaces, Inc., in an amount not to exceed \$273,568.00 for the relocation of the Criminal Court Clerk's Office from 201 Poplar Avenue, Suite 4-01 Memphis, Tennessee, to 201 Poplar Avenue, Suite 3-01 Memphis, Tennessee, with an expected move of January 2020. This item requires the transfer, appropriation and expenditure of one-time, non-recurring Pay-As-You-Go Fund Balance in an amount not to exceed \$273,568.00. Sponsored by Commissioner Mickell Lowery.

**BRADFORD
ADOPTED**

50. Resolution approving a contract with Wagner General Contractors, Inc., in the amount of \$119,271.80 and \$10,000.00 for an extra work allowance, for a total amount not to exceed \$129,271.80, for construction of fencing along the Wolf River Greenway Trail Phase 8 from the National Disaster Resilience Grant. This item requires an expenditure of FY 2020 Resilience Block Grant Funds in the amount of \$129,271.80. Sponsored by Commissioner David Bradford.

**BROOKS
ADOPTED
AS AMENDED**

51. Resolution to amend Rule 6 of the Board of Commissioners' Permanent Rules of Order to include language regarding the County's commitment to sustainable Living Wage. Sponsored by Commissioner Van D. Turner, Jr., Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer, and Commissioner Eddie S. Jones, Jr.

**JONES
ADOPTED**

52. Resolution to approve a one-time, non-recurring grant contract with Life Together Inc., grant in an amount not to exceed \$100,000.00. This grant aligns with the Shelby County Board of Commissioners' Strategic Priorities and directly serves the citizens of Shelby County. This item requires the expenditure of FY 2020 General Funds in an amount not to exceed \$100,000.00. Sponsored by Commissioner Mickell Lowery.

**BROOKS
(REFERRED
BACK TO
COMMITTEE)**

53. Resolution amending Resolution No. 40, adopted on August 27, 2001, to increase the County-Wide Motor Vehicle Tax by \$20.00 and amending Resolution No. 4 adopted on June 29, 2016, designating revenue generated by the \$20.00 increase to the benefit of Memphis Area Transit Authority (MATA) and such other public causes as approved by the Shelby County Commission. Sponsored by Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer and Commissioner Van D. Turner, Jr.

**BRADFORD
ADOPTED**

54. Resolution approving program guidelines for the Board of County Commissioners ("Commission") Summer Youth Program 2020. Sponsored by Chairman Mark Billingsley and Commissioner Willie F. Brooks, Jr.

**BRADFORD
ADOPTED**

55. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$7,000.00 to Tennessee Masonic Foundation, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner David Bradford.

**BRADFORD
ADOPTED**

56. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$20,000.00 to Women's Foundation for a Greater Memphis, a charitable organization. Sponsored by Commissioner Mick Wright, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Eddie S. Jones, Jr., and Commissioner Michael Whaley.

**BRADFORD
ADOPTED**

57. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$27,000.00 to Schoolseed, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr. and Commissioner David Bradford.

**BRADFORD
ADOPTED**

58. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to RegionSmart, a charitable organization. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

59. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$1,000.00 to South Side Wildcats Organization, a charitable organization. Sponsored by Commissioner Mickell Lowery and Commissioner Amber Mills.

**BRADFORD
ADOPTED**

60. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Community Project, Inc., a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.

Announcements/Statements

Adjournment

61. Adjournment to Monday, January 27, 2020; at 3:00 p.m.

a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy

Shelby County Air Code Section 3-9 Malfunctions, Startups and Shutdowns
REDLINE ~~STRIKEOUT~~

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on ~~June 30, 2003~~ December 5, 2018, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

(Shelby County Ord. No. 9, adopted October 15, 1979. Shelby County Ord. No. 159, effective 5-14-95. Amended by Shelby County Ord. No. 203, effective 9-18-98. Amended by Shelby County Ord No. 241, effective 8-23-01. Amended by Shelby County Ord. No. 265, effective September 30, 2002. Amended by Shelby County Ord. No. 276, effective December 16, 2003. Amended by Shelby County Ord. No. 507, effective January 13, 2020. Pursuant to T.C.A. 68-201-115.)

b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy

Shelby County Air Code Section 3-9**Malfunctions, Startups and Shutdowns**

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on December 5, 2018, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

(Shelby County Ord. No. 9, adopted October 15, 1979. Shelby County Ord. No. 159, effective 5-14-95. Amended by Shelby County Ord. No. 203, effective 9-18-98. Amended by Shelby County Ord. No. 241, effective 8-23-01. Amended by Shelby County Ord. No. 265, effective September 30, 2002. Amended by Shelby County Ord. No. 276, effective December 16, 2003. Amended by Shelby County Ord. No. 507, effective January 13, 2020. Pursuant to T.C.A. 68-201-115.)

B3. City of Millington, Tennessee Ordinance 2021-15

ORDINANCE 2020-15

ORDINANCE AMENDING CHAPTER 1 OF TITLE 20 OF THE MILLINGTON
MUNICIPAL CODE TO ADOPT THE SHELBY COUNTY AIR CODE

WHEREAS, The Board of Mayor and Aldermen have previously adopted various air pollution control requirements, which are codified in Chapters 1 of Title 20 of the Millington Municipal Code; and

WHEREAS, The Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.CA § 68-201-101 et seq.; and

WHEREAS, The Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws; and

WHEREAS, In order to enforce the Shelby County Air Code in local municipalities, each local municipality must adopt the Code into its City Code; and

WHEREAS, It has been determined that this can best be accomplished by adopting whatever Code is effective for Shelby County is effective in Millington; and

WHEREAS, It is necessary to amend the Millington Municipal Code to accomplish this change.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that all sections of Chapter 1 of Title 20 of the Millington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101. Shelby County Air Code effective within City. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

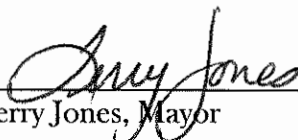
BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:

20-102. Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that all previous ordinances or portions thereof that are in conflict with this Ordinance are hereby repealed.

BE IF FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption, the public welfare requiring it.

Public Hearing: October 12, 2020
First Reading: September 14, 2020
Second Reading: October 12, 2020


Terry Jones, Mayor


Karen Findley, City Clerk

B4. Town of Collierville, Tennessee Ordinance 2020-12

AN ORDINANCE TO AMEND SECTION 96.02 OF THE CODE OF ORDINANCES OF THE TOWN OF COLLIERVILLE.

- WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,
- WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the Town of Collierville, to adopt regulations no less stringent than State standards; and,
- WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and Town air pollution sources subject to these controls, specifically certain provisions found in the State/TDEC Rules and Regulations, Chapter 1200-03; and,
- WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, *inter alia*, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,
- WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulation, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,
- WHEREAS, the Town has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,
- WHEREAS, the Town has caused to be published on October 29, 2020, in a newspaper having a general circulation in the Town a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and the date and time of public hearing regarding the adoption of this Ordinance; and,
- WHEREAS, it is the intent of the Town to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,
- WHEREAS, it is deemed in the public interest to amend the Collierville Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,
- WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on November 9, 2020, pursuant to notice thereof being published in a newspaper of general circulation within the Town of Collierville on October 29, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT THE TOWN CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The Town Code is amended by deleting the existing provisions of Town Code § 96.02 and inserting the following:

The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the Town Air Pollution Control Code:

Chapter 1200-03-02 Definitions

Chapter 1200-03-03 Ambient Air Quality Standards

Chapter 1200-03-05 Visible Emissions Regulations

Chapter 1200-03-06 Non-Process Emission Standards

Chapter 1200-03-07 Process Emission Standards

Chapter 1200-03-09 Construction and Operating Permits

Chapter 1200-03-10 Required Sampling, Recording, and Reporting

Chapter 1200-03-11 Hazardous Air Contaminants

Chapter 1200-03-12 Methods of Sampling and Analysis

Chapter 1200-03-14 Control of Sulfur Dioxide Emissions

Chapter 1200-03-15 Emergency Episode Plan

Chapter 1200-03-16 New Source Performance Standards

Chapter 1200-03-18 Volatile Organic Compounds

Chapter 1200-03-20 Limits on Emissions Due to Malfunctions, Startups, and Shutdowns

Chapter 1200-03-21 General Alternate Emission Standards

Chapter 1200-03-22 Lead Emission Standards

Chapter 1200-03-24 Good Engineering Practice Stack Height Regulations

Chapter 1200-03-25 Standards for Infectious Waste Incinerators

Chapter 1200-03-30 Acid Precipitation Control

Chapter 1200-03-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements

Chapter 1200-03-32 Prevention of Accidental Releases

Chapter 1200-03-34 Conformity

Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of Chapter 96 of the Town Code shall remain undisturbed and in full force and effect.

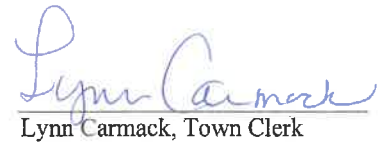
Section 3. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: October 26, 2020

Passed Second Reading: November 9, 2020

Passed Third Reading: November 23, 2020


Stan Joyner, Mayor


Lynn Carmack, Town Clerk

B5. City of Bartlett, Tennessee Ordinance (ID#2866)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

ORDINANCE (ID # 2866)

Meeting: 12/08/20 06:00 PM
Department: Administration
Category: Amendment
Prepared By: Penny Medlock
Initiator: Mark Brown
Sponsors:
DOC ID: 2866

Ordinance 20-08, an ordinance amending Title 20, Chapter 1, Section 20-101, Air Pollution Control Code, of the Code of Ordinances of the City of Bartlett, Tennessee.

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969 by the then Shelby County Quarterly Court, as amended, and as adopted by the Board of Mayor and Aldermen of the City of Bartlett on April 22, 2003, has served to protect the air quality in the City of Bartlett and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, in order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a) provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty (30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and has filed three (3) copies of such State regulations in the office of the Shelby County Clerk more than thirty (30) days before the adoption of this Ordinance which incorporates such regulations by reference; and

WHEREAS, the Bartlett City Clerk has caused to be published, in a newspaper having a general circulation in Shelby County, Tennessee, a copy of this Ordinance at least thirty (30) days before the adoption of this Ordinance; and

WHEREAS, it is the intent of the City of Bartlett to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State Control of Shelby County air pollution sources subject to these controls,

specifically certain provisions found in State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, the Board of Mayor and Aldermen for the City of Bartlett, Tennessee wishes to amend Title 20, Chapter 1, Section 20-101, of the Code of Ordinances of the City of Bartlett, to incorporate therein by reference specific sections of the State Rules and Regulations, as effective on December 5, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE that Title 20, Chapter 1, Section 20-101, Words and phrases substituted in state regulations adopted by reference, shall be amended as follows:

SECTION 1. That Section 20-101, formerly Subsection 05(1), of the Code of Ordinances of the City of Bartlett, Words and phrases substituted in state regulations adopted by reference, be amended to add a new subsection (j) to read as follows:

20-1-101(j). That Rules and Regulations of Tennessee Chapter 1200-03-02 titled Definitions; Chapter 1200-03-03 titled Ambient Air Quality Regulations; Chapter 1200-03-05 titled Visible Emission Regulations; Chapter 1200-03-06 titled Nonprocess Emission Standards; Chapter 1200-03-07 titled Process Emissions Standards; Chapter 1200-03-09 titled Construction and Operating Permits; Chapter 1200-03-10 titled Required Sampling, Recording and Reporting; Chapter 1200-3-11 titled Hazardous Air Contaminants; Chapter 1200-03-12 titled Methods of Sampling and Analysis; Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-16 titled New Source Performance Standards; Chapter 1200-03-18 titled Volatile Organic Compounds; Chapter 1200-03-20 titled Limits on Emissions due to Malfunctions, Startups and Shutdowns; Chapter 1200-03-

21 titled General Alternate Emission Standards; Chapter 1200-3-22 titled Lead Emission Standards; Chapter 1200-3-24 titled Good Engineering Practices Stack Height Regulations; Chapter 1200-3-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-3-30 titled Acid Precipitation Standard; Chapter 1200-3-31 titled National Emission Standards for Hazardous Air Pollutants for Source Categories; Chapter 1200-3-32 titled Prevention of Accidental Releases; Chapter 1200-3-34 titled Conformity, are incorporated herein by reference as if set out in their entirety and shall be approved as requirements of this jurisdiction upon adoption by the Board of Mayor and Aldermen. Section nomenclature for these regulations is identified in accordance with the table located in Section 2 of this ordinance. (Ord. #03-06, April 22, 2003).

SECTION 2. That the State Rules and Regulations that had previously been adopted by reference in to the Bartlett Air Pollution Control Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and described in the fourth column of this table:

Bartlett Air Pollution Control Code Section	Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code		State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section

05(102)	1200-3-2	Definitions	1200-03-02
05(103)	1200-3-3	Ambient Air Quality Standards	1200-03-03
	1200-3-5	Visible Emission Regulations	1200-03-05
05(106)	1200-3-6	Non-Process Emission Standards	1200-03-06
05(107)	1200-3-7	Process Emission Standards	1200-03-07
05(109)	1200-3-9	Construction and Operating Permits	1200-03-09
05(110)	1200-3-10	Required Sampling, Recording and Reporting	1200-03-10
05(111)	1200-3-11	Hazardous Air Contaminants	1200-03-11
05(112)	1200-3-12	Methods of Sampling and Analysis	1200-03-12
05(114)	1200-3-14	Control of Sulfur Dioxide Emissions	1200-03-14
05(115)	1200-3-15	Emergency Episode Plan	1200-03-15
05(116)	1200-3-16	New Source Performance Standards	1200-03-16
05(118)	1200-3-18	Volatile Organic Compounds	1200-03-18
Bartlett Air Pollution Control Code Section	Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code		State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section
05(120)	1200-3-20	Limits on Emissions Malfunctions, Startups & Shutdowns	1200-03-20
05(121)	1200-3-21	General Alternate Emission Standards	1200-03-21
05(122)	1200-3-22	Lead Emissions Standards	1200-03-22
05(124)	1200-3-24	Good Engineering Practice Stack Height Regulations	1200-03-24
05(125)	1200-3-25	Standards for Infectious Waste Incinerators	1200-03-25
05(130)	1200-3-30	Acid Precipitation Control	1200-03-30
05(131)	1200-3-31	Case by Case Determinations	1200-0 :31

		of Hazardous Air Pollutant Control Requirements	
05(132)	1200-3-32	Prevention of Accidental Releases	1200-03-32
05(134)	1200-3-34	Conformity	1200-03-34

(Ord. #03-06, April 22, 2003).

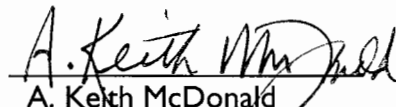
SECTION 3. Severability

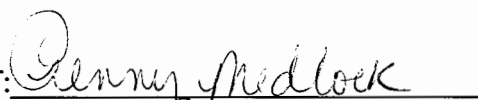
Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading: October 27, 2020
 Second Reading: November 10 2020
 Third Reading: December 8, 2020


 W. C. Pleasant Register to the Board
 of Mayor and Aldermen


 A. Keith McDonald
 Mayor

ATTEST: 
 Penny Medlock
 City Clerk

HISTORY:

10/27/20 Board of Mayor and Aldermen APPROVED ON FIRST READING
 Next: 11/10/20

Chief Administrative Officer, Mark Brown, explained that the State of Tennessee had amended the Air Quality Ordinance. Rules and regulations state that local ordinance can be no less stringent than the State. This ordinance reflects those changes and brings City into compliance.

11/10/20 Board of Mayor and Aldermen APPROVED ON SECOND READING
 Next: 12/08/20

COMMENTS - Current Meeting:

Chief Administrative Officer, Mark Brown, stated that the State of Tennessee and Shelby County had made changes to their Air Quality Ordinance and our ordinance cannot be less stringent. These changes make us compliant.

RESULT:	APPROVED [5 TO 0]
MOVER:	Emily Elliott, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Pleasant, Elliott, Parsons, Young, Sedgwick
ABSTAIN:	Bobby Simmons

B6. City of Germantown, Tennessee Ordinance 2020-10

ORDINANCE 2021-10

AN ORDINANCE TO AMEND SECTION 9-21 OF THE CODE OF ORDINANCES OF THE CITY OF GERMANTOWN:

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,

WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the City of Germantown ("City"), to adopt regulations no less stringent than State standards; and,

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and City air pollution sources subject to these controls, specifically certain provisions set forth below and found in the State/TDEC Rules and Regulations; and,

WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, *inter alia*, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,

WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulations, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for public use, inspection, and examination for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,

WHEREAS, the City has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,

WHEREAS, the City has caused to be published on June 4, 2021, in a newspaper having a general circulation in the City a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by

reference and the date and time of public hearing regarding the adoption of this Ordinance; and,

WHEREAS, it is the intent of the City to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,

WHEREAS, it is deemed in the public interest to amend the Germantown Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on June 28, 2021, pursuant to notice thereof being published in a newspaper of general circulation within the City of Germantown on June 4, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE, THAT THE CITY CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The City Code is amended by deleting the existing provisions of City Code § 9-21(24)(a) and inserting the following:

(24) *State technical standards.*

(a) *Rules and regulations adopted.* The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the City Air Pollution Control Code:

Chapter 1200-03-02 Definitions

Chapter 1200-03-03 Ambient Air Quality Standards

Chapter 1200-03-05 Visible Emissions Regulations

Chapter 1200-03-06 Non-Process Emission Standards

Chapter 1200-03-07 Process Emission Standards

Chapter 1200-03-09 Construction and Operating Permits

Chapter 1200-03-10 Required Sampling, Recording, and Reporting

Chapter 1200-03-11 Hazardous Air Contaminants

Chapter 1200-03-12 Methods of Sampling and Analysis

Chapter 1200-03-14 Control of Sulfur Dioxide Emissions

- Chapter 1200-03-15 Emergency Episode Plan
- Chapter 1200-03-16 New Source Performance Standards
- Chapter 1200-03-18 Volatile Organic Compounds
- Chapter 1200-03-20 Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
- Chapter 1200-03-21 General Alternate Emission Standards
- Chapter 1200-03-22 Lead Emission Standards
- Chapter 1200-03-24 Good Engineering Practice Stack Height Regulations
- Chapter 1200-03-25 Standards for Infectious Waste Incinerators
- Chapter 1200-03-30 Acid Precipitation Control
- Chapter 1200-03-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements
- Chapter 1200-03-32 Prevention of Accidental Releases
- Chapter 1200-03-34 Conformity

Section nomenclature is identified in accordance with the following table:

Germantown Code Nomenclature	State/TDEC Rules and Regulations	Title
9-21(102)	1200-03-02	Definitions
9-21(103)	1200-03-03	Ambient Air Quality Standards
9-21(105)	1200-03-05	Visible Emissions
9-21(106)	1200-03-06	Non-Process Emission Standards
9-21(107)	1200-03-07	Process Emission Standards
9-21(109)	1200-03-09	Construction and Operating Permits
9-21(110)	1200-03-10	Required Sampling, Recording, and Reporting
9-21(111)	1200-03-11	Hazardous Air Contaminants
9-21(112)	1200-03-12	Methods of Sampling and Analysis
9-21(114)	1200-03-14	Control of Sulfur Dioxide

		Emissions
9-21(115)	1200-03-15	Emergency Episode Plan
9-21(116)	1200-03-16	New Source Performance Standards
9-21(118)	1200-03-18	Volatile Organic Compounds
9-21(120)	1200-03-20	Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
9-21(121)	1200-03-21	General Alternate Emission Standards
9-21(122)	1200-03-22	Lead Emission Standards
9-21(124)	1200-03-24	Good Engineering Practice Stack Height Regulations
9-21(125)	1200-03-25	Standards for Infectious Waste Incinerators
9-21(130)	1200-03-30	Acid Precipitation Control
9-21(131)	1200-03-31	Case by Case Determinations of Hazardous Air Pollutant Control Requirements
9-21(132)	1200-03-32	Prevention of Accidental Releases
9-21(134)	1200-03-34	Conformity

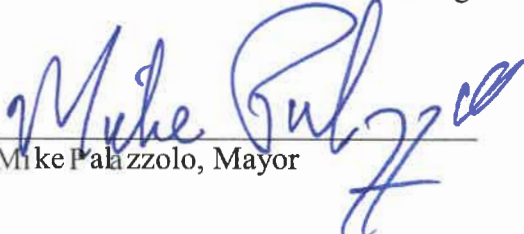
Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of City Code § 9-21, including all subsections, shall remain undisturbed and in full force and effect.

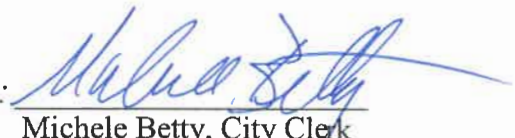
Section 3. THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED to be severable. Should any of the above sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void, unenforceable, or of no effect, the remaining portions shall continue in full force and effect.

Section 4. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the City of Germantown, the public welfare requiring it.

Passed First Reading
Passed Second Reading
Passed Third Reading

May 24, 2021
June 28, 2021
July 12, 2021


Mike Palazzolo, Mayor

ATTEST: 
Michele Betty, City Clerk

B7. City of Memphis Ordinance (placeholder)

a. City of Memphis Air Code Section 16-87 Rule Revision_Redline Copy (placeholder)

~~Section 16-87.~~ Sec. 9-12-24 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective ~~December 31, 2000~~ December 6, 2018, is ~~hereby adopted as portion of this Code~~ by reference as a portion of this code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this ~~Code of Ordinances~~ and shall have the same effect as if set out in full herein.

(Ord. No. 1265, S1, 4-25-72; Ord. No. 2021, S1(4), 10-9-79; Code 1967, S3-9. Shelby County Ord. No. 9, adopted October 15, 1979. City of Memphis Ord. No. 4320, effective 6-7-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99. Amended by City of Memphis Ord. No. 4867, effective 7-18-01. Amended by City of Memphis Ord. No. 4981, effective January 28, 2003. Amended by City of Memphis Ord. 5041, effective April 5, 2004. Pursuant to T.C.A. 68-201-115.)

b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)

B8. City of Lakeland Ordinance (placeholder)

B9. TDEC-APC Rule 1200-03-20.20130619 Rule Revision_Redline Copy

**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

**CHAPTER 1200-03-20
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS**

TABLE OF CONTENTS

1200-03-20-.01	Purpose	1200-03-20-.06	Report Required Upon the Issuance of a
1200-03-20-.02	Reasonable Measures Required		Notice of Violation
1200-03-20-.03	Notice Required When Malfunction Occurs	1200-03-20-.07	Special Reports Required
1200-03-20-.04	Logs and Reports	1200-03-20-.08	Rights Reserved
1200-03-20-.05	Copies of Logs Required	1200-03-20-.09	Additional Source Covered

1200-03-20-.01 PURPOSE.

- (1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.02 REASONABLE MEASURES REQUIRED.

- (1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 26, 1997; effective November 11, 1997.

1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

- (1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-3 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if

(Rule 1200-03-20-.03, continued)

emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 4, 1981; effective October 19, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.04 LOGS AND REPORTS.

- (1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:
 1. Stack or emission point involved.
 2. Time malfunction, startup, or shutdown began and/or when first noticed.
 3. Type of malfunction and/or reason for shutdown.
 4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
 5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.
 - (b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.
 - (c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.
 - (d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.
- (2) Reserved.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.

1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

- (1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.
- (2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) ~~to assist the Technical Secretary in deciding whether to excuse or validate the violation of this rule.~~ If the data required in ~~1200-03-20-.06 paragraph~~ (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.
- (3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:
 - (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
 - (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - (c) The time and duration of the emissions;
 - (d) The nature and cause of such emissions;
 - (e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;
 - (f) The steps taken to limit the excess emissions during the occurrence reported, and
 - (g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.
- (4) Failure to submit the report required in paragraph (3) of this rule within the twenty (20) day period specified in ~~Paragraph paragraph~~ (2) of this rule shall preclude the admissibility of the data for ~~consideration of excusal for malfunctions determination of potential enforcement actions, and for any air contaminant source not having startup or shutdown levels as a permit condition.~~
- (5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:

(Rule 1200-03-20-.06, continued)

<u>Source Type</u>	<u>De</u> <u>Pollutant</u> <u>Monitored</u>	<u>Minimis</u> <u>De Minimis Level</u>
(a) Fuel Burning Installations subject to Rule 1200-3-5-.01 or Rule 1200-3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.	Opacity	Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year
(b) Fuel Burning Installations subject to Rule 1200-3-5-.05, Rule 1200-3-5-.10, or Rule 1200-3-6-.05.	Opacity	One (1) percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place
(c) Fuel Burning Equipment subject to Rule 1200-3-16-.02 or Rule 1200-3-16-.59.	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)
(d) Kraft Recovery Furnaces subject to either Rule 1200-3-5- .09 or Rule 1200-3- 16.29.	Opacity	Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.

(Rule 1200-03-20-.06, continued)

(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or Rule 1200-3-16-.29.	Total Sulfur	Reduced	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-3-7-.07(4).	Total Sulfur	Reduced	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-3-19-.19.	Sulfur Dioxide		One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26.	Opacity		One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions).
(k) Secondary Lead Furnaces subject to Rule 1200-3-16-.12.	Opacity		One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup,

(Rule 1200-03-20-.06, continued)

		shutdown, malfunction).	or	excused
(l)	Any source type utilizing a thirty day rolling average.	Nitrogen Oxides	None	(Excluding periods of startup, shutdown, or excused malfunction.)

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

- (6) ~~Irrespective of the startup and shutdown exemptions set forth on the operating permit of any air contaminant source, no~~ No emission ~~during periods of malfunction, start-up, or shutdown that are in excess of the standards in Division 1200-03 or any permit issued thereto~~ shall be allowed which can be proved ~~by the Technical Secretary~~ to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter ~~1200-3-3~~ 1200-03-03 or the National Ambient Air Quality Standards.

Authority: T.C.A. §§ 68 -201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.07 SPECIAL REPORTS REQUIRED.

- (1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:
 - (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.
 - (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
 - (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
 - (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.
 - (e) Information to determine if the excess emissions truly result from a malfunction.
 - (f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.08 RIGHTS RESERVED.

- (1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

(Rule 1200-03-20-.08, continued)

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.09 ADDITIONAL SOURCES COVERED.

- (1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirement of this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason (for purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equalled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modelling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

**B10. TDEC-APC Rule 1200-03-20.20161116 Rule Revision_Clean
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**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

**CHAPTER 1200-03-20
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS**

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1200-03-20-.01 PURPOSE.

- (1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.02 REASONABLE MEASURES REQUIRED.

- (1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 26, 1997; effective November 11, 1997.

1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

- (1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-03 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-03-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if

(Rule 1200-03-20-.03, continued)

emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 4, 1981; effective October 19, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.04 LOGS AND REPORTS.

- (1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-03 or any permit issued thereto must be kept at the plant. This log must record at least the following:
 1. Stack or emission point involved.
 2. Time malfunction, startup, or shutdown began and/or when first noticed.
 3. Type of malfunction and/or reason for shutdown.
 4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
 5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.
 - (b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.
 - (c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.
 - (d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.
- (2) Reserved.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105, and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.

1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

- (1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-03-05-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.
- (2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) of this rule. If the data required in paragraph (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the owner or operator of the source desires to submit additional information, then the additional information must be submitted within the twenty (20) day time period.
- (3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:
 - (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
 - (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - (c) The time and duration of the emissions;
 - (d) The nature and cause of such emissions;
 - (e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;
 - (f) The steps taken to limit the excess emissions during the occurrence reported, and
 - (g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.
- (4) Failure to submit the report required in paragraph (3) of this rule within the twenty (20) day period specified in paragraph (2) of this rule shall preclude the admissibility of the data for determination of potential enforcement actions.
- (5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:

(Rule 1200-03-20-.06, continued)

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a) Fuel Burning Installations subject to Rule 1200-03-05-.01 or Rule 1200-03-05-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.	Opacity	Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year
(b) Fuel Burning Installations subject to Rule 1200-03-05-.05, Rule 1200-03-05-.10, or Rule 1200-03-06- .05.	Opacity	One (1) percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place
(c) Fuel Burning Equipment subject to Rule 1200-03-16-.02 or Rule 1200-03-16- .59.	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)
(d) Kraft Recovery Furnaces subject to either Rule 1200-03- 05-.09 or Rule 1200- 03-16-.29.	Opacity	Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.

(Rule 1200-03-20-.06, continued)

(e) Kraft Recovery Furnaces subject to either Rule 1200-03-07-.07 or Rule 1200-03-16-.29.	Total Sulfur	Reduced	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-03-07-.07(4).	Total Sulfur	Reduced	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-03-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-03-19-.19.	Sulfur Dioxide		One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-03-16-.24.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-03-16-.26.	Opacity		One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions).
(k) Secondary Lead Furnaces subject to Rule 1200-03-16-.12.	Opacity		One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup,

(Rule 1200-03-20-.06, continued)

shutdown, or excused
malfunction).

- | | | |
|---|-----------------|--|
| (l) Any source type
utilizing a thirty day
rolling average. | Nitrogen Oxides | None (Excluding periods of
startup, shutdown, or excused
malfunction.) |
|---|-----------------|--|

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

- (6) No emission during periods of malfunction, start-up, or shutdown that is in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-03-03 or the National Ambient Air Quality Standards.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105, and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendments filed August 18, 2016; effective November 16, 2016.

1200-03-20-.07 SPECIAL REPORTS REQUIRED.

- (1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:
 - (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-03.
 - (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
 - (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
 - (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.
 - (e) Information to determine if the excess emissions truly result from a malfunction.
 - (f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.08 RIGHTS RESERVED.

- (1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical

(Rule 1200-03-20-.08, continued)

Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.09 ADDITIONAL SOURCES COVERED.

- (1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirement of this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason (for purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equalled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modelling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

ATTACHMENT C

Evidence of Legal Authority

C1. Tennessee Code Annotated § 68-201-115

Tenn. Code Ann. § 68-201-115

Current through the 2021 First Extraordinary and the 2021 Regular Sessions.

- [TN - Tennessee Code Annotated](#)
- [Title 68 Health, Safety and Environmental Protection](#)
- [Environmental Protection](#)
- [Chapter 201 Tennessee Air Quality Act](#)
- [Part 1 Tennessee Air Quality Act](#)

68-201-115. Local pollution control programs — Exemption from state supervision — Applicability of part to air contaminant sources burning wood waste — Open burning of wood waste.

(a) Any municipality or county in this state may enact, by ordinance or resolution respectively, air pollution control regulations not less stringent than the standards adopted for the state pursuant to this part, or any such municipality or county may also adopt or repeal an ordinance or resolution which incorporates by reference any or all of the regulations of the board, or any federal regulations including any changes in such regulations, when such regulations are properly identified as to date and source. Copies of air pollution regulations shall be made available to any interested party, and the city or municipality may charge reasonable compensatory fees for providing such copies. At least three (3) copies of such regulations that are incorporated by reference shall be filed in the office of the county clerk and there kept for public use, inspection and examination. The filing requirements shall not be deemed to be complied with, unless the required copies of such regulations are filed with the clerk for a period of thirty (30) days before the adoption of the ordinance or resolution which incorporated such regulations by reference. No ordinance or resolution incorporating regulations by reference shall be effective until published in a newspaper having a general circulation in the municipality or county.

(b) Before such ordinances or resolutions enacting air pollution control regulations becomes effective, such municipality or county must apply for and receive from the board a certificate of exemption by the following procedure:

- (1) Any political subdivision desiring to be exempted from this part may file a petition for certificate of exemption with the technical secretary. The technical secretary shall promptly investigate such petition and make recommendation to the board as to its disposition;
- (2) Upon receiving the recommendation of the technical secretary, the board may, if such recommendation is for the granting of the petition, do so without hearing. If the recommendation of the technical secretary is against the granting of the petition or the board, in its discretion, concludes

that a hearing would be advisable, then a hearing shall be held not later than sixty (60) days after receipt of recommendation of the technical secretary by the board;

(3) The certificate of exemption shall be granted if the board determines that:

(A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;

(B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;

(4) The board may grant a certificate of exemption, in whole or in part, may prescribe a time schedule for various parts of an exemption to become effective, and may make a certificate of exemption conditional or provisional as is deemed appropriate;

(5) In granting any certificate of exemption, there is reserved to the state the right to initiate proceedings to enforce any applicable resolution, ordinance or regulation of the municipality or county should it fail to obtain compliance with the resolution, ordinance or regulation. Such proceedings shall be the same as for enforcement of any duly promulgated rule or regulation of the board;

(6) In granting any certificate of exemption, the exemption is to be strictly construed as limited to the language of the exemption. No power or authority that is not expressly stated in the certificate of exemption may be implied. The municipality or county may further petition the board for such power or authority; and

(7) The department shall frequently determine whether or not any exempted municipality or county meets the terms of the exemption granted and continues to comply with this section. If a determination is made that the municipality or county does not meet the terms of the exemption granted or does not comply with this section, the department shall so notify the board, and the board, upon reasonable notice to the municipality, may suspend the exemption in whole or in part until such time as the municipality or county complies with the state standards.

(c)

(1) All new certificates of exemption shall be for a fixed term not to exceed two (2) years. This part does not apply to emissions from any air contaminant source, as defined in this part, which burns wood waste solely for the disposition of such wood waste; provided, however, that open burning of wood waste within two hundred feet (200') of an occupied building by any person other than an occupant of the building shall only be conducted as follows:

(A) At least one (1) person shall be constantly present at the burning during the entire time of the burn;

(B) Each burn shall not exceed forty-eight (48) hours in duration;

- (C) Burning shall not occur more than twice in any thirty-day period; and
- (D) If the burning occurs within one hundred feet (100') of an occupied building, it may only occur if an adult occupant of the building gives written authorization for the burn to occur and has not rescinded the authorization in writing.
- (2) Provided further, however, that, if a local government has enacted or enacts more stringent requirements concerning such open burning of wood waste, those provisions shall control over the requirements of this subsection (c).
- (d) Local government actions taken in accordance with this section shall be conducted in accordance with the Major Energy Project Act of 1981, compiled in title 13, chapter 18, when the action includes a major energy project, as defined in § 13-18-102.
- (e)
- (1) If a municipality or county has received a certificate of exemption pursuant to this section, then the municipality or county shall offer a process to grant waivers from its open burning regulations.
- (2) Open burning waivers may be approved by the director of the municipal or county air pollution program, if there is no other practical, safe, and lawful method of disposal; provided, that the burning is conducted in a manner to protect public health and the environment.
- (3) Nothing in this subsection (e) shall be construed as eliminating or limiting the sanctions or obligations imposed by title 39, chapter 14, part 3.
- (f) No municipality or county shall include land use or zoning requirements in its air pollution control regulations or the municipality's or county's certificate of exemption granting the municipality or county the authority to enact the regulations.
- (g) No municipality or county shall request that the board include land use or zoning requirements in the state implementation plan submitted to the United States environmental protection agency pursuant to 42 U.S.C. § 7410.

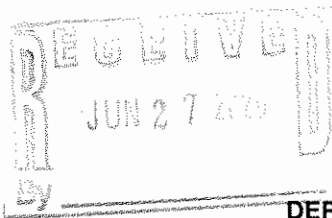
History

Acts 1967, ch. 367, § 15; 1971, ch. 266, § 1; 1971, ch. 365, §§ 1, 2; 1972, ch. 787, § 1; 1973, ch. 325, §§ 4, 6; 1974, ch. 598, § 1; 1975, ch. 359, § 1; 1977, ch. 116, § 1; 1977, ch. 169, § 2; impl. am. Acts 1978, ch. 934, §§ 22, 36; Acts 1979, ch. 299, § 7; 1981, ch. 131, § 29; T.C.A., § 53-3422; Acts 1984, ch. 788, § 12; T.C.A., § 68-25-115; Acts 1994, ch. 658, §§ 1-3; 2007, ch. 559, § 1; 2013, ch. 156, § 1; 2017, ch. 284, §§ 1, 2.

TENNESSEE CODE ANNOTATED

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C2. Certificate of Exemption



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

June 18, 2020

Bob Rogers, Technical Manager
Air Pollution Control Program
Shelby County Health Department
814 Jefferson Avenue
Memphis, TN 38105

Certified Article Number

9414 7266 9904 2154 5117 89

SENDER'S RECORD

Dear Bob Rogers,

Enclosed is the Certificate of Exemption and a copy of the associated Board Order approved by the Tennessee Air Pollution Control Board on June 10th, 2020. The certificate is effective July 1, 2020 and expires on June 30, 2022 as authorized by TCA 68-201-115.

In our review, we noticed that some of the local program websites that have multiple jurisdictions do not have a copy of the ordinances/regulations for each local jurisdiction. As this could potentially complicate your enforcement efforts, we encourage having the local ordinances/regulations for all jurisdictions accessible from your website (or links to those jurisdictions' ordinances/regulations). Keeping easy access to applicable local ordinances/regulations, and keeping those current, is an important aspect to achieving compliance with your local air ordinances/regulations.

Also, we would like to request that you include Marc Corrigan with a copy to Paul LaRock as recipients of all public notices for any air related rule-making your agency undertakes. We generally prefer to provide any comments during the public comment period, or before, rather than at some point later, if possible.

A copy of these documents will be forwarded to the Environmental Protection Agency, Region 4, for informational purposes. If you have any questions or if you need further assistance, please contact Marc Corrigan (marc.corrigan@tn.gov or 615.532.0616).

Sincerely,

Michelle Owenby
Technical Secretary

Enclosures (2)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

CERTIFICATE OF EXEMPTION

By authority of Tennessee Code Annotated Section 68-201-115,
the Tennessee Air Pollution Control Board Declares that

**Memphis and Shelby County, Tennessee
and all Included Municipalities**

are
exempt from the provisions of the
Tennessee Air Quality Act as found in
Tennessee Code Annotated Title 68, Chapter 201,
subject to such limitations as established by the Board pursuant
to Board Order No. 26-019, passed
by the Board on this the 10th day of June 2020

Air Pollution Control Board Members of the State of Tennessee

Ronnie Adkins

Dr. Ronné Adkins, Ph.D.

John G. Bonitez, MD, MPH

John G. Bonitez, MD, MPH (Jun 11, 2020 07:30 CDT)

Dr. John Bonitez

Karen Cislac

Karen Cislac (Jun 17, 2020 19:51 CDT)

Karen Cislac

Joshua Fu

Joshua Fu (Jun 10, 2020 20:14 EDT)

Dr. Joshua Fu, Ph.D.

Stephen R. Gossett

Stephen R. Gossett (Jun 11, 2020 03:40 EDT)

Stephen R. Gossett

Mike Haverstick

Mike Haverstick (Jun 11, 2020 08:27 CDT)

Michael Haverstick

Shawn Hawkins

Shawn Hawkins (Jun 11, 2020 11:26 EDT)

Dr. Shawn A. Hawkins

Richard Holland

Richard Holland (Jun 10, 2020 21:25 CDT)

Richard Holland

Caitlin Roberts Jennings

Caitlin Roberts Jennings (Jun 10, 2020 17:02 CDT)

Caitlin Roberts Jennings

Ken Moore

Ken Moore (Jun 10, 2020 17:09 CDT)

The Honorable Ken Moore, City of

Franklin

Amy Spann, P.E.

Greer Tidwell

Greer Tidwell (Jun 15, 2020 12:14 CDT)

Greer Tidwell Jr.

Larry Waters

Larry Waters (Jun 11, 2020 15:08 EDT)

The Honorable Larry Waters, Sevier

County

Jimmy West (Jun 10, 2020 18:51 CDT)

Jimmy West

Expiration Date: June 30, 2022

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

IN THE MATTER OF:

Shelby County, Tennessee

City of Memphis, Tennessee

Town of Arlington, Tennessee

City of Bartlett, Tennessee

Town of Collierville, Tennessee

City of Lakeland, Tennessee

City of Germantown, Tennessee

City of Millington, Tennessee

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Board Order No. 20-019

CERTIFICATE OF EXEMPTION

BOARD ORDER

I.

Under the authority of Tennessee Code Annotated, Section 68-201-115(a), a petition to renew the Shelby County Certificate of Exemption was filed on August 27, 2019, with the Tennessee Division of Air Pollution Control by the Shelby County Health Department Air Pollution Control Program for the City of Memphis, the County of Shelby and all included municipalities.

The terms in T.C.A. Section 68-201-115(b)(3) state that:

"(3) The certificate of exemption shall be granted if the board determines that:

(A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;

(B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

II.

In accordance with Section 68-201-115(b)(3), the Shelby County Air Pollution Control Program does enforce regulations and/or ordinances for the control of air pollution that are not less stringent than the State's. Therefore, the Air Pollution Control Board of the State of Tennessee does hereby grant a Certificate of Exemption to Shelby County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. Section 68-201-115(c). During this period, Shelby County and all included municipalities shall be exempt from the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following as set forth in the ordinances, regulations or other rules where indicated below:

1. Ambient air quality standards;
2. Open burning regulations;
3. Visible emission standards;
4. Non-process emission limitations;
5. Process emission limitations;
6. Fugitive dust regulations;
7. Permitting requirements:
 - A. Construction Permits:
 - (1) New Source Review – Growth Policy
 - (2) PSD authority
 - (3) Minor Source Permits
 - B. Operating Permits:
 - (1) Initial and Renewal
 - (2) Federally Enforceable
 - C. Part 70 Operating Permits

D. Asbestos Demolition and Renovation Projects

8. All National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards and other standards and regulations for hazardous air pollutants (including authority to determine Maximum Achievable Control Technology Standards) and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;
9. Methods of sampling and analysis;
10. Enforcement and Compliance provisions:
 - Determining that any decision of the local Board or of any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or of her designated representative, or of any included governmental entity, where applicable, has been violated, that such violation constitutes a public nuisance, and abating such a public nuisance in the manner provided by the general law relating to the abatement of public nuisances, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;
 - Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any decision of the local Board or with any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or her designated representative, or of any included governmental entity where applicable;
 - Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;
 - Providing for appellate review by the local air board of decisions, rulings, determinations, failure to act, or to act within a reasonable timeframe, by the Shelby County Health Department;
11. Control of emissions of particulate matter including PM10, and PM2.5 and precursors;
12. Control of emissions of carbon monoxide;

13. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
14. Control of emissions of sulfur oxides, emissions of sulfuric acid and sulfur trioxide (combined);
15. Control of emissions of lead;
16. Emergency episode regulations including emergency stop orders;
17. New Source Performance Standards (NSPS) as set forth in Chapter 1200-3-16 and 40 CFR Part 60 and Emission Guidelines as set forth in 40 CFR Part 60, after adoption as local laws, as listed below:
 - General Provisions;
 - Fossil fuel-fired steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after August 17, 1971;
 - Fuel-fired steam generators for which construction commenced after April 3, 1972;
 - Electric utility steam generating units for which construction commenced after September 18, 1978;
 - Incinerators;
 - Municipal waste combustors;
 - Portland cement plants;
 - Sulfuric acid plants;
 - Nitric acid plants;
 - Asphalt concrete plants (hot mix asphalt facilities);
 - Petroleum refineries;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973 and prior to May 19, 1978;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978 and prior to July 23, 1984;
 - Secondary lead smelters;

- Secondary brass and bronze ingot production plants;
- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- Sewage treatment plants, incinerators;
- Phosphate fertilizer industry for:
 - Wet process phosphoric acid plants;
 - Super phosphoric acid plants;
 - Diammonium phosphate plants;
 - Triple superphosphate plants;
- Granular triple superphosphate storage facilities;
- Primary aluminum reduction plants;
- Coal preparation plants;
- Primary copper smelters;
- Primary zinc smelters;
- Primary lead smelters;
- Steel plant electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- Ferroalloy production;
- Lime Manufacturing plants;
- Kraft pulp mills;
- Grain elevators;
- Stationary gas turbines;
- Ammonium sulfate manufacture;
- Glass manufacturing plants;

- Automobile and Light-duty truck surface coating operations;
- Asphalt processing and asphalt roofing manufacture;
- Industrial surface coating: large appliances;
- Surface coating of metal furniture;
- Metal coil surface coating;
- Graphic arts industry: Publication Rotogravure Printing;
- Beverage can surface coating industry;
- Metallic mineral processing plants;
- Pressure sensitive tape & label surface coating operations;
- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- Bulk-gasoline terminals;
- Synthetic fiber production facilities;
- Lead-acid battery manufacturing plants;
- Equipment leaks of VOC in petroleum refineries;
- Flexible vinyl & urethane coating and printing;
- Petroleum dry cleaners;
- Phosphate rock plants;
- Equipment leaks of VOC from onshore natural gas processing plants;
- Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- Onshore natural gas processing: SO₂ emissions;
- Non-metallic mineral processing plants;

- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- Wool fiberglass insulation manufacturing plants;
- Industrial Surface Coating: plastic parts for business machines;
- Industrial-commercial-institutional steam generating units;
- Rubber Tire Manufacturing Industry;
- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after July 23, 1984;
- Calciners and Dryers in Mineral Industries;
- Municipal Solid Waste Landfills;
- Small industrial-commercial-institutional steam generating units;
- Hospital/medical/infectious waste incineration;
- Volatile organic compound (VOC) emissions from the polymer manufacturing industry;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- Volatile organic compound (VOC) emissions from petroleum refinery wastewater systems;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- Magnetic tape coating facilities;
- Polymeric coating of supporting substrates facilities;
- Commercial and industrial solid waste incineration units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001;

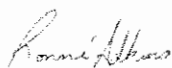
18. Emission limitations for hospital/medical/infectious waste incineration;

19. Administrative procedures including emissions credit banking and emissions trading policy statements;
20. Emissions limitations and monitoring;
21. Regulation of malfunctions, start-ups, and shutdowns;
22. Alternate emissions limitations;
23. General policies or plans; [Ozone Attainment and Maintenance Plans (SIP); * Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Lead Maintenance Plan (SIP); Particulate Matter Control Plan (PM_{2.5});
24. System of permits and/or certificates and emission fees to include the Title V Permit Program;
25. Scheduling and collecting of fees for review of plans and specifications, issuance or renewal of permits or certificates (including Title V permit fees), inspection of air pollutant sources, including building demolition and renovation, and computer and research time;
26. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending changes as may be deemed appropriate;
27. Requiring the furnishing of information from persons causing, or who may be about to cause air pollution;
28. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
29. Receiving, budgeting, receipting for and administering such monies as are appropriated or granted for carrying out the program of the local Board;
30. Collecting and disseminating information relative to air pollution; encouraging voluntary cooperation in preserving and restoring a reasonable degree of air purity; and advising, consulting and cooperating with other agencies, persons or groups in matters pertaining to air pollution;
31. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
32. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;

33. Regulation of Infectious Waste Incinerators;
34. Regulation of good engineering practice stack height requirements;
35. Abatement of air contaminants, uncombined water, or a combination which reduces visibility across any road to cause a hazard;
36. Transportation Conformity Rule requirements;
37. Confidentiality determinations.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2020.



Dr. Ronnè Adkins, Ph.D.



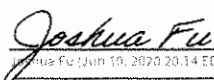
John G. Benitez, MD, MPH (Jun 11, 2020 07:38 CDT)

Dr. John Benitez



Karen Cisler (Jun 17, 2020 19:51 CDT)

Karen Cisler



Dr. Joshua Fu, Ph.D.



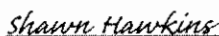
Stephen R. Gossett (Jun 11, 2020 07:40 EDT)

Stephen R. Gossett



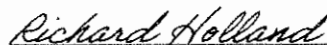
Mike Haverstick (Jun 11, 2020 08:27 CDT)

Michael Haverstick



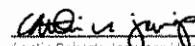
Shawn Hawkins (Jun 11, 2020 11:26 EDT)

Dr. Shawn A. Hawkins



Richard Holland (Jun 10, 2020 21:25 CDT)

Richard Holland



Caitlin Roberts Jennings (Jun 10, 2020 17:02 CDT)

Caitlin Roberts Jennings

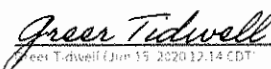


Ken Moore (Jun 10, 2020 17:09 CDT)

The Honorable Ken Moore, City of Franklin

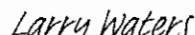


Amy Spann, P.E.



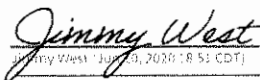
Greer Tidwell (Jun 15, 2020 12:14 CDT)

Greer Tidwell Jr.



Larry Waters (Jun 11, 2020 15:08 EDT)

The Honorable Larry Waters, Sevier County



Jimmy West (Jun 20, 2020 18:51 CDT)

Jimmy West

Board Order 20_019 Shelby COE 2020 a.docx

ATTACHMENT D

Public Notice – Startup, Shutdown, and Malfunction

(The Daily News, Nov. 2, 2021, publication number Mqd83146)

Public Notices

Court Notices

Continued from Page 13

named Court on or before the earlier of the dates prescribed in (1) or (2), otherwise their claims will be forever barred.

(1)(A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this Notice to Creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or
(B) Sixty (60) days from the date the creditor received an actual copy of the Notice to Creditors, if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1)(A); or
(2) Twelve (12) months from the decedent's date of death.
This 29th day of October, 2021.
Jeffrey Jay Willingham Executor
Attorney for the Estate:
Warren P. Campbell
Nov. 2, 9, 2021 Cqd83165

ORDER OF PUBLICATION
In the CHANCERY COURT of Shelby County, Tennessee
No.CH-21-0548
JENNIFER STEWART
Plaintiff(s)
SHELBY COUNTY TRUSTEE, JOANN LOONEY, BILLY R. LOONEY, WARREN LOONEY, AND ALL PREVIOUS OWNERS, KNOWN AND UNKNOWN.
Defendants(s)

It appearing from the complaint in this cause which is sworn to that: There are parties with unknown addresses as prayed for in the Amended Petition to Quiet Title filed on October 29, 2021, as to all previous owners of 1485 Saint Charles Cove, Memphis, TN 38127.

It is therefore ordered that they make themselves appearance herein at the court House of Shelby County, in the city of Memphis, Shelby County, TN on December 31, 2021 and answer plaintiffs' complaint for Petition to Quiet Title or the same will be taken for confessed as to defendant(s), and set for hearing ex parte, and that a copy of this order be published once a week for four successive weeks in the Daily News.
This 29th day of October, 2021.
A True Copy - Attest:
W. Aaron Hall, Clerk & Master
By Alex Graham, D.C. & M.
Jocelyn V. Henderson
Attorney for Petitioner
Nov. 2, 9, 16, 23, 2021 Cqd83172

ORDER OF PUBLICATION
In the CHANCERY COURT of Shelby County, Tennessee
No.CH-21-0766
JOCELYN V. HENDERSON
Plaintiff(s)
SHELBY COUNTY TRUSTEE, NATHANIEL RUCKER, AND ALL PREVIOUS OWNERS, KNOWN AND UNKNOWN.
Defendants(s)

It appearing from the complaint in this cause which is sworn to that: There are parties with unknown addresses as prayed for in the Amended Petition to Quiet Title filed on October 29, 2021, as to all previous owners of 624 Bethel Avenue, Memphis, TN 38107.

It is therefore ordered that they make themselves appearance herein at the court House of Shelby County, in the

city of Memphis, Shelby County, TN on December 31, 2021 and answer plaintiffs' complaint for Petition to Quiet Title or the same will be taken for confessed as to defendant(s), and set for hearing ex parte, and that a copy of this order be published once a week for four successive weeks in the Daily News.
This 29th day of October, 2021.
A True Copy - Attest:
W. Aaron Hall, Clerk & Master
By Alex Graham, D.C. & M.
Jocelyn V. Henderson
Attorney for Petitioner
Nov. 2, 9, 16, 23, 2021 Cqd83173

Bid Notices

Shelby County

MEMPHIS LIGHT, GAS AND WATER DIVISION
CITY OF MEMPHIS
MEMPHIS, TENNESSEE
MAIL OPERATIONS SHIPPING AND RECEIVING SOLUTION
CONTRACT NO. 12332
NOTICE TO BIDDERS

Sealed Bids and Qualifications will be received from bidders on Tuesday, November 2, 2021 at the Contracts Management Office, Memphis Light, Gas and Water Division ("MLGW" or "Division"), Room 323, 220 South Main Street, Memphis, Tennessee (mailing address: P.O. Box 430, Memphis, Tennessee 38101-0430), **prior to 4:00 PM CDT/CST.** If you bring your bid to MLGW, please allow 30 minutes prior to 4:00 PM CDT/CST for MLGW security clearance and delivery of bids to the Contracts Management Department. The official time of receipt will be established in the Contracts Management Department and not at the main floor security desk. Bids will be publicly opened and read on **Wednesday, November 3, 2021 at 2:00 PM CDT/CST.** The project scope covers the rental and installation of a new shipping and receiving solution for MLGW's Communication Production and Distribution Department which includes four (4) parts: Inbound Parcel Processing System; Outbound Parcel Processing System; Address Hygiene/Postal Sorting Softly; and an Address Printer as well as four (4) hand-held devices; one (1) wireless wedge scanner; media guide; parts; repairs; service calls; software updates; and maintenance and support services covering a 24-month period in accordance as outlined in the Contract Documents and Specifications.

***Electronic Submission of Bids via email is acceptable to aorr@mlgw.org. Bids received after the bid due date will not be accepted.**

NOTE: It is the responsibility of the Bidder to confirm MLGW has received your electronic submission. If MLGW does not confirm receipt, it is possible that your bid was not received.

***Due to the COVID-19 Pandemic, bids will be publicly opened and read via teleconference on Wednesday, November 3, 2021 at 2:00 PM CDT/CST. Call in Number: 901-729-8200; Conference ID: 4020#; Personal Code 1111#.**
Oct. 27, 29, Nov. 2, 2021 Bqd82766

LEGAL NOTICE

Sealed bids or proposals will be received, from participants by Memphis Light, Gas and Water Division (MLGW) prior to **4:00 PM CDT/CST Tuesday, November 2, 2021 via MLGW's iSupplier Portal.** Bidders must perform a commercially useful function in the performance of the agreement. Bids (RFQ's) will be publicly opened and read **via Zoom at 2:00 PM CDT/CST Wednesday, November 3, 2021** for furnishing MLGW with:

Morton DPC Control Panels SEALED BID (RFQ) ON MORTON DPC CONTROL PANELS MADE IN ACCORDANCE WITH MLGW DRAWING

MLGW has implemented an iSupplier Portal system in an effort to be more accessible to MLGW's suppliers. You may access the system via MLGW's website, www.mlgw.com or at www.mlgw.com/bids. You may contact the Purchasing Department at (901) 528-4701 for assistance. Suppliers **MUST** be registered on the iSupplier Portal to submit a bid (RFQ). To register in the iSupplier Portal, click the following and

complete the information listed: [MLGW iSupplier Portal \(New Suppliers\)](#) or call MLGW Purchasing Department for assistance. To respond to an open RFQ, send an email to the corresponding Procurement Specialist and request an invite. Suppliers may continue to view available bid openings on the Online Bid Notification System but must submit quotes via iSupplier Portal. For questions, please email isuppliersupport@mlgw.org.

MEMPHIS LIGHT, GAS AND WATER DIVISION
CAMELA MITCHELL, SUPERVISOR OF PURCHASING
CONTACT: A'RICKA JACKSON SENIOR PROCUREMENT SPECIALIST
(901) 528-4701
Oct. 27, 29, Nov. 2, 2021 Bqd82925

LEGAL NOTICE TO BIDDERS

Sealed bids (or Request for Proposals, where indicated as RFP) will be received at the Office of the City of Memphis Purchasing Agent, Room 354, City Hall, 125 N. Main St., Memphis, TN 38103, until 12:00 noon Wednesday, on the dates indicated below, for furnishing the City of Memphis with the following:

PRODUCTS AND/OR SERVICES

DUE NOVEMBER 17, 2021

- (1) RFQ #52463
BIOHAZARD/MEDICAL WASTE REMOVAL SERVICES
- (2) RFQ #52465
EMS MEDICAL SUPPLIES

DESIGNATED AS SBE BID(S) PER ORDINANCE #5366 AND DUE NOVEMBER 17, 2021

- (3) RFQ #52461
OVERHEAD DOOR PARTS, SUPPLIES & SERVICES
- (4) RFQ #52466
EXTREME NETWORK PRODUCTS RENEWAL

REQUEST FOR PROPOSALS

DUE DECEMBER 1, 2021

- (5) RFP #52470
CMAR FOR THE NEW WHITEHAVEN BANQUET FACILITY

Project Note: A Mandatory Pre-Proposal Conference will be held via ZOOM on Tuesday, November 9, 2021 at 10:00 AM. For further information please contact Craig Hodge by email at craig.hodge@memphistn.gov or by phone at (901) 636-6248.

DUE DECEMBER 8, 2021

- (6) RFP #52334
VEGETATION MANAGEMENT PROGRAM

The above RFP's can be downloaded from the City's website: www.memphistn.gov Under RFPs & RFQs.

CONSTRUCTION PROJECTS:

All bidders, if required, must be licensed contractors as required by Title 62, Chapter 6, of the Tennessee Code Annotated. Bidders' license number, expiration date and that part of the classification applying to the bid must appear on the envelope containing the bid; otherwise the bid will not be opened - except if the bid amount is under \$25,000.00.

CERTIFICATION BY EACH BIDDER MUST BE MADE WITH RESPECT TO NON-DISCRIMINATION IN EMPLOYMENT. THE CITY OF MEMPHIS ENCOURAGES THE PARTICIPATION OF SMALL AND MINORITY BUSINESSES IN THE PURCHASING PROCESS.

DUE NOVEMBER 17, 2021

- (7) RFQ #52458
CONSTRUCTION OF: INSTALLATION OF CURED IN PLACE PIPE IN VARIOUS LOCATIONS (CIIP ANNUAL FY22)

PLANS, SPECIFICATIONS AND DEPOSIT INFORMATION AVAILABLE FROM: Gary Vaden at the Division of

Public Works located at 125 N. Main, Ste 620, Memphis, TN, 38103. He can be contacted by email at gary.vaden@memphistn.gov or by phone at (901) 636-7123.

By Order of the Mayor of the City of Memphis, Tennessee.
Jim Strickland
Mayor

Tim Boyles, City Purchasing Agent
Nov. 2, 3, 2021 Bqd83157

ALL INTERESTED RESPONDERS

The Shelby County Board of Education will accept written proposals for IFB 11192021LJS Raleigh Egypt HS Track Replacement. A mandatory pre-bid meeting is scheduled for this project at Raleigh Egypt High School, 3970 Voltaire, Memphis, TN 38128 on November 5, 2021 at 9:30am CST.

Bidders must wear appropriate PPE gear upon entering any SCS location and sign in.

Visit our website for additional information: www.scsk12.org (Click 'Doing Business with SCS') Click on Bids & RFPs.

Nov. 2, 2021 Bqd83177

Misc. Notices

Shelby County

NOTICE OF SALE

GARAGE KEEPER
PURSUANT TO TCA-66—19-103, THIS IS TO GIVE NOTICE THAT BLUFF CITY JAGUAR, INC. WILL ON NOVEMBER 15, 2021 AT 10:00 AM AND AT 6335 WHEEL COVE, MEMPHIS, TN. 38119, SELL TO THE HIGHEST AND BEST BIDDER FOR CASH THE FOLLOWING VEHICLE.
2002 JAGUAR S-TYPE
SAJDA01PX2GM23433
THE ABOVE DESCRIBED VEHICLE WAS LEFT AT BLUFF CITY JAGUAR, INC. FOR REPAIRS
BY: DENNIS FRY
GENERAL MANAGER
Oct. 27, 29, Nov. 2, 3, 5, 9, 2021
Mqd83114

NOTICE

THESE VEHICLES WILL BE SOLD @ AUCTION ON: **11/16/2021** @ 9:00 AM IN LIEU OF STORAGE CHARGES AND TOWING. 788 S. MAIN ST., MEMPHIS, TN. 38106
1998 HONDA ACCORD
VIN#1HGCG1652WA008042
DAVID COX
2009 KAWASAKI
VIN#JKAEXVD189A115304
KYLE SALZGEBER
2013 HONDA ACCORD
VIN#1HGCT1B77DA021854
MIKHAILA LENOIR
2015 FORD FUSION
VIN#3FA6P0K91FR196742
BRENDA HAMPTON
ALLY FINANCIAL
2007 DODGE CALIBER
VIN#1B3HB48B87D588003
KOOL'S AUTO SALES & TRANSPORT
2012 FORD FOCUS
VIN#1FAHP3F26CL444050
NO RECORD
2019 DODGE JOURNEY
VIN#3C4PDCEG3KT717380
LUPITA CHAPA
CARMAX BUSINESS SVCS LLC
1994 LEXUS
VIN#JT8GK13T7R0057537
JODECI DAVIS
TMX FINANCE
2015 NISSAN MURANO
VIN#5N1AZ2MH6FN284859
WILLIE G BENNTT JR
SUMMIT CREDIT UNION
Nov. 2, 2021 Mqd83102

NOTICE

The Shelby County Health Department (Department), Pollution Control Section has received applications to construct or modify air contaminant sources at the following locations and of the following descriptions. These permitting actions are **not** subject to the Prevention of Significant Air Quality Deterioration (PSD) requirements, as described in the Rules and Regulations of the State of Tennessee, Section 1200-3-9.01 (4)(a)2.

Construction
DHL Supply Chain
3387 Tchulatech Drive

Requesting a permit to install a seed repackaging operation.

A copy of the application materials used by the Department is available for public inspection at the Pollution Control Section office, during normal business hours (8:00 am – 4:30 pm). Interested parties are invited to review these materials and provide written comments. Written comments will be accepted for a period of thirty (30) calendar days after the date of this public notice at the following address:
Shelby County Health Department
Attn: Larry Smith
Technical Manager
1826 Sycamore View Road
Memphis, TN 38134
Nov. 2, 2021 Mqd83138

PUBLIC NOTICE

Bryce Corporation has applied to the Shelby County Health Department (SCHD), Pollution Control Section, to renew their Title V major source operating permit (Permit No. 00420-01TV). This renewal includes no modifications from the previous permit.

This facility is subject to the provisions of City of Memphis Code Section 16-77 [Reference Rules and Regulations of Tennessee, Rule 1200-3-9.02 (11)] (frequently referred to as the Title V regulations). A Title V operating permit is required by the Federal Clean Air Act and the City of Memphis Code. This Bryce Corporation facility is located at 4505 Old Lamar Avenue, Memphis, Tennessee. Operations at this facility consist primarily of the manufacture packaging materials for snack food applications.

A copy of the application materials used by the Department and a copy of the draft permit are available for public inspection at the Pollution Control Section office during normal business hours (8:00 am – 4:30 pm) or by visiting the Shelby County Health Department website at <http://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices>. Interested parties are invited to review these materials and provide written comments. In addition, a public hearing may be requested at which written or oral presentations may be made. To be considered, written comments or requests for a public hearing must be made within thirty (30) days after the date of this notice and should be addressed to:

Mr. Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)

Individuals with disabilities who wish to review this information should contact the Department, Pollution Control Section, to discuss any auxiliary aids or services needed to facilitate such review. Contact may be in person, in writing, by telephone, or other means, and should be made no less than ten days prior to the end of the public comment period to allow time to provide such aid or services.

Questions concerning the source may be addressed to Mr. Wasim Khokhar at the above referenced address or by calling (901) 222-9587 or by e-mail at Wasim.Khokhar@shelbycountyttn.gov.

The United States Environmental Protection Agency (EPA) required 45-day review period has been issued concurrently with this public notice. Although performed concurrently, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended.

The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address:

<http://www.epa.gov/caa-permitting/tennessee-proposed-title-v-permits>
Nov. 2, 2021 Mqd83139

PUBLIC NOTICE

The Shelby County Health Department – Pollution Control Section (SCHD-PCS) is requesting public comments on a revision to Tennessee's State Implementation Plan (SIP) specific to Shelby County, Tennessee. This SIP revision requests EPA approval for the incorporation by reference of Tennessee Comprehensive Rules and Regulations,

The Daily
News

Call 523-1561

- Today!

Public Notices

Chapter 1200-3-20 titled "Limits on Emissions due to Malfunctions, Start-ups, and Shutdowns" into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.

A copy of the revised SIP is available for public inspection at the Pollution Control Section office noted below during normal business hours (8:00 am – 4:30 pm). It can also be found at the following web sites; <https://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices> or at www.shelbycountyttn.gov. Interested parties are invited to review these materials and provide written comments. Anyone desiring to make oral comments at the public hearing is requested to prepare a written copy of these comments to be submitted to the hearing officer. All comments received during the public comment period will be distributed to members of the Tennessee Air Pollution Control Board for their review prior to submission to the EPA. The public comment period will end at the close of business 30 days from the date of this publication. Written comments not submitted at the public hearings will be included in the hearing record only if received by the end of the public comment period and must be addressed to:

Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)

A public hearing to receive oral or written comments has been scheduled at the respective date and location below:

November 15, 2021
Shelby County Health Department
Meeting Room 2, 2:00 PM
1826 Sycamore View Road
Memphis, TN 38134

Individuals with disabilities who wish to review this information should contact the SCHD, Pollution Control Section, to discuss any auxiliary aids, accommodations or services needed to facilitate such review. Contact may be in person, writing, telephone or other means, and should be made no less than ten (10) days prior to the end of the public comment period to allow time to provide such aid or services. Questions concerning these documents may be addressed to Larry Smith at the above referenced address or by calling (901) 222-9575.

Nov. 2, 2021 Mqd83146

PUBLIC NOTICE

I am seeking clear title on a 2010 Cherokee Jeep Compass, 2.4 Engine, VIN # 1J4NT4FBXAD554213. Anyone claiming interested should contact Marcus Lanton by certified mail at 4417 Forest Valley Cove, Memphis, TN 38141 by 10 days.

Nov. 2, 2021 Mqd83151

NOTICE

VEHICLE TO BE AUCTIONED AT 2216 FLORIDA STREET MEMPHIS TN 38109 8AM @ SIMPLE AUTO LLC NOVEMBER 6, 2021 GMC TERRAIN VIN 2CTAL-BEW1A6379415

Nov. 2, 2021 Mqd83152

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property: Bryce & Brown Home Builders LLC Tax Parcel # **07105500000370**

Tax Sale# 1004

Price Offered: \$1,125.00

Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 2:00 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK

apc-board_packet_Jan-12-2022

584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83153

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property: Nice Comfort, LLC Tax Parcel # **07510800000930**

Tax Sale# 1002

Price Offered: \$1,013.00

Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 2:30 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103

MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83154

SOLICITATION OF APPLICANTS INTERESTED IN SERVING AS BANKRUPTCY CHAPTER 7 PANEL TRUSTEES

The United States Trustee seeks resumes from persons wishing to be considered for appointment to the panel of trustees who administer cases filed under chapter 7 of title 11 of the United States Code (Bankruptcy Code). The appointment is for cases filed in the United States Bankruptcy Court for the Western District of Tennessee, in the Jackson and Memphis divisions. Chapter 7 trustees receive compensation and reimbursement for expenses, in each case in which they serve, pursuant to court order under 11 U.S.C. § 326 and § 330.

The minimum qualifications for appointment are set forth in 28 C.F.R. § 58.3. To be eligible for appointment, an applicant must possess strong administrative, financial and interpersonal skills. Fiduciary and bankruptcy experience is desirable but not mandatory. For additional information, qualification requirements, and application procedures go to <https://www.justice.gov/ust/advertisements-vacancies-private-bankruptcy-estate-trustees/public-notice-appointment-panel-chapter-7-trustees>.

A successful applicant will be required to undergo a background check, and must qualify to be bonded. Although chapter 7 trustees are not federal employees, appointments are made consistent with federal Equal Opportunity policies, which prohibit discrimination in employment.

All resumes must be received by November 30, 2021, by electronic transmission to the following email address: USTP.R08WDTNchapter7applications@ust.doi.gov. Applicants should indicate in the Subject line whether applying for the Jackson Division, Memphis Division, or both.

Nov. 2, 3, 5, 2021 Mqd83155

NOTICE OF PRIVATE SALE

The following property will be sold by written bid by 9:00 a.m. MST on or after 11/11/2021

2017 Kenworth T680 1XKYDP9X-8HJ127167

To inquire about this item please call Bret Swenson at 801-624-5864.

Transportation Alliance Bank 4185 Harrison Blvd Ogden, UT 84403

Nov. 2, 3, 2021 Mqd83156

NOTICE

Memphis Automart Towing and Recovery 2161 Lamar Ave.

The following vehicle will be sold on 11/16/21 @ 9:00 a.m. for storage etc.

2013 Chevy Sonic

1G1JC6SH2D4185080

1998 Chevy Blazer 1

GNCS18W3WK255512

2009 Audi A4 WAULF78K89N029205
 1998 Ford Mustang
 1FABP40A8KF246692
 1994 GMC 3500
 1GDKC34NORJ522685
 2009 Honda Accord
 1HGCP26339A066444
 1996 Nissan Sentra
 1N4AB41D1TC783071
 2008 Cadillac Escalade
 1GYFK66898R187468
 2010 Chevy Truck Silverado
 1GT121C80BF114232
 2006 Infiniti M35
 JNKAY01E96M115624
 Nov. 2, 2021 Mqd83166

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:

Bryce & Brown Home Builders LLC

Tax Parcel # **07102800000070**

Tax Sale# 1701

Price Offered: \$8,500.00

Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 1:00 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103

MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83167

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:

Bryce & Brown Home Builders LLC

Tax Parcel # **07105200000330**

Tax Sale# 1302

Price Offered: \$2,250.00

Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 1:30 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103

MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83168

NOTICE TO THE PUBLIC

The following person(s) has asked the City of Memphis Alcohol Commission for permission to sell beer for ON premise consumption.

APPLICANT: Apple Nine Hospitality Management Inc.

DBA: Hilton Garden Inn Memphis Downtown

LOCATION: 201 Union Avenue

Anyone desiring to circulate a petition FOR or AGAINST said establishment selling beer at this location must secure the petition blanks from the undersigned Commission at 2714 Union Ave. Extended, 1st Floor.

Must be filed no later than Tuesday, November 16, 2021.

Jared Johnson, Chairman
 Anna Vergos-Blair, Member
 Claudette Boyd, Member
 Barry Chase, Member
 Chad Hampton, Member
 Erma Hayslett, Member
 Renee Poe, Member
 Steven Reid, Member

Johnsie Wallace-Gault, Member
 Yolanda Fullilove,
 Executive Secretary,
 City of Memphis Alcohol Commission

Nov. 2, 2021 Mqd83169

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:

Facelift Media Company

Tax Parcel # **03508300000530**

Tax Sale# 0903

Price Offered: \$1,125.00

Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 9:00 a.m. on December 01, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103

MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83170

NOTICE

Vehicle Auction on November 27, 2021 at 10:00 a.m. at **Big Tow Towing**, 3135 Austin Peay, Memphis, TN 38120. **2003 Chevrolet** Vin # 1GCJC331X3F172135. Owner: Tony Carroll. Lienholder: TMX Finance of Tennessee, Inc. **2014 Dodge** Vin # 3C4PDCBB3ET142033. Owner: Mercedes McLeod. Lienholder: AF Title Co.

Vehicle Auction on November 25, 2021 at 10:00 a.m. at **Rapid Towing**, 3588 S Goodlett St., Memphis, TN 38118. **2013 Chevrolet** Vin # 2C3C-CAEG9DH606273. Owner: James K Cleveland. Lienholder: Navy Federal Credit Union.

Nov. 2, 2021 Mqd83174

NOTICE

Notice is given that U-STOR auctions will be held November 15th, 2021 (or thereafter) at the below listed locations. Pursuant to Tennessee Code 66-31-101 thru 66-31-107 to satisfy liens due to unpaid rents and charges. The undersigned will sell at public sale by competitive bidding the personal property heretofore stored with the undersigned to satisfy the owner's lien. All sales are final. U-Stor reserves the right to refuse any bid. "CONSISTING OF HOUSEHOLD ITEMS UNLESS OTHERWISE NOTED."

Wednesday November 17th, 2021

www.u-stor.com/pages/auctions

Beginning at 9 a.m.

U-STOR LAMAR

1804 S. Prescott

(901)743-7900

A4 Key, Stanley W

A7 Rogers, Patricia A.

V13 Taylor, Autrina L

W8 Douglass, Candance J

Following to 2nd Location

U-STOR THIRD STREET

4000 S. Third Street

(901)786-1400

O14 Morgan, Ashley

Q8 BROWN, SHAWANDA

S17 THOMPSON, MICHAEL

Z2 HOLST, JAGAYLA V.

3rd Location

U-STOR ELVIS PRESLEY

5345 Elvis Presley Blvd

(901)-396-4100

B2 Buckner, Kenisha

D4 Bryant, Kem J

D17 JACKSON, MONIQUE

L1 White, Jamica

Q3 McGlothlin, Mary

Q9 Brooks, Linda

4th Location

U-STOR MILLBRANCH

4530 Millbranch

(901)346-7500

A2 Cunningham, Lawandra

E16 Robertson, Rachelle

J16 Wright, Martereious

U12 Shorter, Willie

X8 Baker, Allicia

X12 Tolan, Brittney

5th Location

U-STOR WINCHESTER

1355 Winchester Rd.

(901)396-9018

B12 Jones, Kamisha

B17 Collins, D'Juan

D3 Pollard, Ricky M

D15 Pollard, Genial

E1 Jones, Chandra B

F12 Williams, Latisha

H9 Gibson, Isaac

N10 Rogers, Marquita Y

Q17 Mathis, Lacrisa

U-STOR PERKINS

4700 Winchester Rd.

(901)367-2200

B3 Hobson, Karlisha

C1 Jones, Chandra B.

E16 Maclin, Marcus K.

W1 Love, Laveta O

W3 Taylor, Tabitha N.

7th Location

U-STOR HICKORY HILL

5515 Winchester Rd

(901)367-0290

B13 P. Chism, Anastasia

J2 L. Watkins, Tasha

O11 Brown, Ebony

P7 E. Hammond, Alexis

S17 Thomas, Alfred

S21 J. Jarmon, Myrian

U2 L. Flack, Bridgette

V4 Brown, China B

Y10 D. Jones, Brandon

8th Location

U-STOR RIVERDALE

6900 E Raines Rd.

(901)363-9400

L15 Jenkins, Deidra R

Q10 Pierce, Joseph

9th Location

U-STOR SUMMER

5570 Summer Ave.

(901)937-0300

C3 Sherita, R Pruitt

I2 Jones, Benjamin J

J13 Sears, Christopher

10th Location

U-STOR BARTLETT

6440 Summer Ave.

(901)382-5300

A2 Hopper, Kenneth E.

S1 Bennett, Christopher

T1 Johnson, Monica

11th Location

U-STOR COVINGTON

2835 Covington Pike

(901)382-5600

I3 Love, Raven D.

L19 Rachel D. Brooks-McFadgon

N18 Hart, D'Angulus

R15 McCray, Reginald D.

12th Location

U-STOR STAGE

3645 Stage James

(901)386-0600

D14 Davis, Chasity L

PUBLIC NOTICE

The Shelby County Health Department – Pollution Control Section (SCHD-PCS) is requesting public comments on a revision to Tennessee’s State Implementation Plan (SIP) specific to Shelby County, Tennessee. This SIP revision requests EPA approval for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions due to Malfunctions, Startups, and Shutdowns” into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.

A copy of the revised SIP is available for public inspection at the Pollution Control Section office noted below during normal business hours (8:00 am – 4:30 pm). It can also be found at the following web sites; <https://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices> or at www.shelbycountyttn.gov. Interested parties are invited to review these materials and provide written comments. Anyone desiring to make oral comments at the public hearing is requested to prepare a written copy of these comments to be submitted to the hearing officer. All comments received during the public comment period will be distributed to members of the Tennessee Air Pollution Control Board for their review prior to submission to the EPA. The public comment period will end at the close of business 30 days from the date of this publication. Written comments not submitted at the public hearings will be included in the hearing record only if received by the end of the public comment period and must be addressed to:

**Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)**

A public hearing to receive oral or written comments has been scheduled at the respective date and location below:

**November 15, 2021
Shelby County Health Department
Meeting Room 2, 2:00 PM
1826 Sycamore View Road
Memphis, TN 38134**

Individuals with disabilities who wish to review this information should contact the SCHD, Pollution Control Section, to discuss any auxiliary aids, accommodations or services needed to facilitate such review. Contact may be in person, writing, telephone or other means, and should be made no less than ten (10) days prior to the end of the public comment period to allow time to provide such aid or services.

Questions concerning these documents may be addressed to Larry Smith at the above referenced address or by calling (901) 222-9575.

ATTACHMENT E

Public Hearing held on November 15, 2021

A public hearing was held on November 15, 2021 at the Shelby County Health Department located at 1826 Sycamore View Road, Memphis, Tennessee 38134 in Meeting Room 2 from 2:00 pm until 3:00 pm. With the exception of staff members, Larry Smith, Jeff Grill, and Chris Boyd, there were no representatives from the public in attendance. By the conclusion of the hearing, the Department had not received any comments pertaining to the proposed SSM SIP revision from the general public.

On December 2, 2021, the EPA submitted comments pertaining to the proposed SSM SIP revision. Those comments and the Department's response are provided in Attachment F.

Shelby County Startups, Shutdowns, and Malfunctions SIP Revisions Public Participation Log

	Date	Name	Address	Comments
1	11/15/21	JEFF GRILL	1826 SYLAMORE VIEW RD MEMPHIS, TN 38134	
2	" "	Larry J. Smith	681 Cox 38104	none
3	11/15/21	CHRISTOPHER BOYD	7598 OCTOBER ROSE DR MEMPHIS TN 38119	NONE
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
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27				

Note: As the "Comments" column may not provide enough space to express detailed comments, you are invited to submit a written comment and have it posted with this copy of the SSM SIP Revision Packet.

ATTACHMENT F

Public Participation

F1. Response to Public Comments on Pre-Hearing SIP Notice

The Shelby County Health Department – Pollution Control Section did not receive any comments from the general public pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision submittal. However, on December 2, 2021, the EPA provided comments regarding the proposed Shelby County SSM SIP revision. Those comments and the Departments response are provided in Attachment F.

F2. EPA Comments on Prehearing SIP Submittal

On December 2, 2021, the Department received EPA's comments regarding Shelby County, Tennessee's proposed SSM SIP revision. The comments are displayed here, as follows:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

December 2, 2021

Karen Cook-Pryor, Deputy Administrator
Pollution Control
Shelby County Health Department
814 Jefferson Avenue
Memphis, Tennessee 38105-5041

Dear Ms. Cook-Pryor:

The Region 4 Office of the U.S. Environmental Protection Agency received the Shelby County Health Department (SCHD), Pollution Control's November 2, 2021, Pre-Hearing State Implementation Plan (SIP) revision proposing to respond to the EPA's June 12, 2015, final SIP Call and finding of substantial inadequacy with respect to the treatment of excess emissions during periods of startup, shutdown, and malfunction. We have completed our preliminary review and have enclosed our comments for your consideration.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Pepa Sassin, Chief of the Air Regulatory Management Section at 404-562-9075, or have your staff contact Mr. Joel Huey at (404) 562-9104.

Sincerely,

Lynorae Benjamin,
Chief, Air Planning and Implementation Branch

Enclosures

cc:

Larry Smith, Pollution Control, SCHD
Chris Boyd, Pollution Control, SCHD
Paul LaRock, Tennessee Department of Environment and Conservation

The U.S. Environmental Protection Agency (EPA) Comments on Tennessee Prehearing Submittal Regarding the Memphis-Shelby County portion of the Tennessee State Implementation Plan (SIP) concerning Startup, Shutdown, and Malfunction (SSM) provisions.

Key Comment

1. The public notice posted November 2, 2021, notes that the pending SIP revision will request the EPA approval “for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled ‘Limits on Emissions due to Malfunctions, Startups, and Shutdowns’ into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.” In the final package to support a SIP revision, please include evidence of adoption of this version of Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to the already-provided Shelby County information.
2. The EPA notes that the last approval of the Memphis-Shelby County adoption of Tennessee’s Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986. See 54 FR 25456. Therefore, the Memphis-Shelby County adoption of 1200-3-20 as of 2018 includes other intervening changes between the 1989 SIP approval and the 2016 rulemaking effort to respond to EPA’s 2015 SSM SIP Call. For example, Tennessee’s 1993 revision to Chapter 1200-3-20 recodifies certain rules within the Chapter and adopts 1200-3-20-.06(5), consisting of *de minimis* exemptions for periods of SSM. The EPA previously commented on 1200-3-20-.06(5) in response to Tennessee’s June 20, 2016, prehearing submission regarding the State’s response to the 2015 SSM SIP Call in a letter to Michelle Owenby dated June 21, 2016. The EPA is providing those comments here as a second attachment for your reference, as those related to Chapter 1200-3-20 would equally apply to this pending submission. Tennessee withdrew its original adoption of 1200-3-20-.06(5) from the EPA consideration on July 20, 2016.

F3. SCHD-PCS Response to EPA Comments

SCHD-PCS Response to EPA Comments – Shelby County Startup, Shutdown, Malfunction SIP Revision

On December 2, 2021, the EPA submitted comments to the Shelby County Health Department – Pollution Control Section pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision. A listing of those comments and the Department’s response (*in italics*) follows.

EPA Comment 1:

EPA made a comment noting that “to support a SIP revision, please include evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to already provided Shelby County information”.

Shelby County Response to EPA Comment 1:

*The Department acknowledges EPA’s comment that evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the surrounding municipalities within Shelby County should have been included in the prehearing SSM SIP revision submittal. In response, in support of the SSM SIP revision, the Department will make sure to include **copies of ordinances adopted by each jurisdiction as evidence of adoption of Tennessee’s Chapter 1200-3-20 into the air codes of all municipalities within Shelby County, with the exception of the City of Memphis and City of Lakeland. Although, each of these municipalities has received an SSM ordinance revision packet and are aware of the Department’s intention to have this regulation incorporated into their air codes, this version of Tennessee’s Chapter 1200-3-20 has not been adopted by these municipalities yet.***

In the City of Memphis, the ordinance approval process requires three readings by the members of the Memphis City Council. Typically, this process involves a two-three month timespan. Eight-months ago, the Department conveyed an SSM ordinance revision packet to the office of the City Attorney and the Memphis City Council; however, it was not put on the agenda and never voted on. Subsequently, on November 18, 2021, the Department initiated another effort to get this version of Tennessee’s Chapter 1200-3-20 adopted into the City of Memphis air codes. An SSM ordinance revision packet was again provided to the City of Memphis through the same channels. On December 13, 2021, the Department received notification from the City of Memphis that the ordinance has been placed on the City Council’s agenda and is recommended for approval.

On the other hand, according to the Lakeland Municipal Code, the ordinance approval process in the City of Lakeland requires only two readings by the Board of Commissioners and the ordinance adoption process can be completed in as little as two to three weeks. Approximately one year ago, the Department conveyed an SSM ordinance revision packet to the office of the Lakeland City Manager. At that time, the SSM ordinance revision packet did not make it to committee, and thus, was not put on the agenda and never voted on. On November 19, 2021, the Department met with the Lakeland City Manager to initiate another effort to promote the adoption of this version of Tennessee’s Chapter 1200-3-20 into the City of Lakeland air codes. On December 8, 2021, the Department received notification from the City of Lakeland that the ordinance will go to committee on January 6, 2021 for the first reading by the Board of

Commissioners of City of Lakeland.

Finally, the Department continues to work vigorously to promote the adoption of this version of Tennessee's Chapter 1200-3-20 into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon. Finally, the Department continues to work vigorously to promote the adoption of this version of Tennessee's Chapter 1200-3-20 into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

EPA Comment 2:

EPA commented on that the last approval of the Memphis-Shelby County adoption of Tennessee's Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986 and that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking.

Additionally, EPA made a comment noting that "EPA previously commented on 1200-3-20-.06(5) in response to the 2015 SSM SIP Call in a letter to Michelle Owenby". In this comment, specific concerns were outlined to illustrate how 1200-3-20-.06(5) was regarded to be inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call.

Shelby County Response to EPA Comment 2:

The Department acknowledges EPA's comment "that the last approval of the Memphis-Shelby County adoption of Tennessee's Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986" and "that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking". In response, the Department submits a strikeout of the Memphis Air Code Section 9-12-24 (formerly Section 16-87) to show the incorporation by reference of Tennessee's Chapter 1200-3-20 in the Memphis Air Codes during the time period from 1989 through 2016 is displayed below. To make Section 9-12-24 easier to read, deletions are red and additions are blue.

Additionally, the Department acknowledges EPA's comment that 1200-3-20-.06(5) is inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call. The Department proposes to request approval of the adoption by reference of Tennessee's Chapter 1200-3-20 into the air codes Shelby County and the included municipalities, with the exception of 1200-3-20-.06(5). When Tennessee amends this part of the regulation, the Department will request a SIP revision to adopt by reference the future version 1200-3-20-.06(5).

a. A strikethrough copy of the City of Memphis Air Pollution Code Section 9-12-24 (formerly Section 16-87) is displayed here to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989 through 2016 time period

~~Section 16-87.~~ Sec. 9-12-24 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective ~~December 31, 2000~~ December 6, 2018, is ~~hereby adopted as portion of this Code~~ by reference as a portion of this code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this ~~Code of Ordinances~~ and shall have the same effect as if set out in full herein.

(Ord. No. 1265, S1, 4-25-72; Ord. No. 2021, S1(4), 10-9-79; Code 1967, S3-9. Shelby County Ord. No. 9, adopted October 15, 1979. City of Memphis Ord. No. 4320, effective 6-7-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99. Amended by City of Memphis Ord. No. 4867, effective 7-18-01. Amended by City of Memphis Ord. No. 4981, effective January 28, 2003. Amended by City of Memphis Ord. 5041, effective April 5, 2004. Pursuant to T.C.A. 68-201-115.)

RULES
OF
THE TENNESSEE DEPARTMENT OF ~~HEALTH—AND~~ ENVIRONMENT AND
CONSERVATION

BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-20

LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START-UPS, AND SHUTDOWNS

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1200-3-20-.01 PURPOSE

(1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source (incinerator, fuel burning installation, wood fire boiler or process emission source) can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 et seq. Administrative History: Original Rule certified March 21, 1979. Repeal and new rule filed July 13, 1994; effective September 26, 1994.

1200-3-20-.02 REASONABLE MEASURES REQUIRED

(1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. ~~For sources identified by the Technical Secretary as being in or significantly affecting a nonattainment area (as defined in Rule 1200-3-2-.01(fff)), f~~ Failures that are caused by

poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions, ~~and shall be considered in violation of the emission standard exceeded and this rule.~~

Authority: T.C.A. Section 68-25-105 and 4-5-20~~21~~ et seq. Administrative History: Original Rule certified March 21, 1979. Amendment filed September 21, 1988; Amended effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 28, 1997; effective November 11, 1997.

1200-3-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

(1) When any ~~emission air contaminant~~ source ~~malfunctions, air pollution control equipment, or related facility breaks down~~ in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in ~~these regulations in Division 1200-3 or any permit issued thereto~~, or of sufficient duration to cause damage to property or public health, ~~the person responsible for such equipment~~ the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such ~~failure or breakdown~~ malfunction and provide a statement giving all pertinent facts, including the estimated duration of the ~~breakdown~~ malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the ~~condition causing the failure or breakdown has been corrected and the equipment is again in operation~~ malfunction has been corrected. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not ~~reoccur~~ recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. Section 68-25-105 and 4-5-20~~21~~ et seq. Administrative History: Original Rule certified March 21, 1979. Amended: filed September 4, 1981; effective October 19, 1981. Repeal and new rule filed July 13, 1994; effective September 26, 1994.

1200-3-20-.04 LOGS AND REPORTS

(1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.
2. Time malfunction, startup, or shutdown and/or when first noticed.
3. Type of malfunction and/or reason for shutdown.

4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.

5. The company employee making entry on the log must sign, date and indicate the time of each log entry.

(b) The information under item (a)1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

(c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.

(d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

~~(2) The owner or operator of all sources located in non-attainment areas or having a significant impact on air quality in a nonattainment area (for the pollutant designated by the Technical Secretary) must submit a report to the Technical Secretary within thirty (30) days after the end of each calendar quarter listing the times at which malfunctions, startups and/or shutdowns, which resulted in emissions greater than any applicable emission limits and the estimated amount of emissions discharged during such times. This report should also include total emissions during the quarter and be reported in a format specified by the Technical Secretary. If these emissions are required to be reported under rule 1200-3-10-.02 or under rules of Chapter 1200-3-16 then the report required by this paragraph is waived~~ Reserved.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 et seq. Administrative History: Original Rule certified March 21, 1979. Amended effective November 6, 1988. Repeal and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.

1200-3-20-.05 COPIES OF LOG REQUIRED

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 et seq. Administrative History: Original Rule certified March 21, 1979. Repeal and new rule filed July 13, 1994; effective September 26, 1994.

~~1200-3-20-.06 SCHEDULED MAINTENANCE~~

~~(1) GENERAL~~

~~In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Technical Secretary at least twenty-four~~

~~hours prior to the planned shutdown where such equipment will result in the discharge of emissions in excess of the standards in this Division 1200-3. Such prior notice shall include, but is not limited to the following:~~

~~—(a) Identification of the specific source (permit unit) to be taken out of service, as well as its location and permit number.~~

~~—(b) The length of time that the air pollution control equipment will be out of service.~~

~~—(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.~~

~~—(d) Measures such as the use of off shift labor and equipment that will be taken to minimize the emissions during the shutdown period.~~

~~(2) EXCEPTIONS TO SHUTDOWN REPORTING REQUIREMENTS~~

~~When shutdowns referred to in paragraph (1)(a) of this rule are on a routine schedule, the report to the Technical Secretary may be furnished on an annual basis and shall list the dates and times of the routine scheduled shutdowns during the upcoming year, with the other information required in paragraph (1) of this rule.~~

~~Authority: T.C.A. Section 68-25-105 and 4-5-202. Administrative History: Original Rule certified March 21, 1979.~~

1200-3-20-.076 REPORT REQUIRED UPON THE ISSUANCE OF NOTICE OF VIOLATION

(1) In the event excess emissions are emitted from any air contaminant source ~~(permit unit) subject to the rules and regulations~~, a notice of violation shall automatically be issued except for visible emissions levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-3-20-.076.

(2) The owner or operator of the violating source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) to assist the Technical Secretary in deciding whether to excuse or validate the violation. If the data required in 1200-3-20-.076(3) has previously been available to the Technical Secretary prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.

(3) Each report required in 1200-3-20-.076(2) shall include as a minimum:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the

applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions the steps taken to correct the situation and the action planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions on the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions.

(4) Failure to submit ~~this~~ [the](#) report required in paragraph (3) within the twenty (20) day period specified in paragraph (2) shall preclude the admissibility of the data for consideration of excusal for malfunctions, and for any [air contaminant](#) source ~~(permit-unit)~~ not having startup or shutdown levels as a permit condition.

(5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violations(s) will be automatically issued unless the specified de minimis are violated:

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a) Fuel Burning Install- ations subject to Rule 1200-3-5-.01 or Rule 1200- 3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 10 ⁶ Btu/hr.	Opacity	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24- hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year.
(b) Fuel Burning Install- ations subject to Rule 1200-3-5-.05 or Rule 1200- 3-5-.10 or Rule 1200-3-6-.05	Opacity	One (1) percent of the time during a calendar quarter (e) Excluding periods of permitted startup or

(c) Fuel Burning ~~Equipment~~ Install-
ations subject to Rule
1200-3-16-.02 or Rule 1200-
3-16-.59

Opacity

shutdown and excused
malfunctions) ~~as~~ so long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

One (1) percent of the
time during a calendar
quarter (~~e~~Excluding periods
of permitted startup or
shutdown and excused
malfunctions) ~~as~~ so long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

Sulfur
Dioxide

One (1) 3-hour exceedance
per year and/or one 24-
hour exceedance per year
(applicable to sources
having three hour
standard only).

(d) Kraft Recovery Furnaces
subject to either Rule 1200-
3-5-.09 or 1200-3-16-.29

Opacity

Six (6) percent of the
time (~~e~~Excluding periods of
permitted startup or
shutdown and excused
malfunctions) so long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or 1200-3-16-.29	Total Reduced Sulfur	One (1) percent of the time during a calendar quarter (eExcluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-3-7-.07(4).	Total Reduced Sulfur	Two (2) percent of the time during a calendar quarter (eExcluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur Dioxide Plants subject To Rule 1200-3-19-.19.	Sulfur Dioxide	One (1) exceedance greater than 3 hours duration per year (excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24.	Sulfur Dioxide	One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (eExcluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26.	Opacity	One (1) percent of the time during a calendar quarter (eExcluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement Systems Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide	One (1) exceedance of greater than 3 hours duration per calendar year (eExcluding periods of excused malfunctions).

[\(k\) Secondary Lead Furnaces
subject to Rule 1200-3-16-
.12](#)

[Opacity](#)

[One half \(1/2\) percent
of the time during a
calendar quarter
\(Excluding time periods
of startup, shutdown or
excused malfunction\).](#)

[\(l\) Any source type
utilizing a thirty day
rolling average](#)

[Nitrogen
Oxides](#)

[None \(Excluding periods
of startup, shutdown, or
excused malfunction\).](#)

For purposes of this Paragraph the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

(6) Irrespective of the startup and shutdown exemptions set forth on the operating permit of any [air contaminant](#) source, no emission shall be allowed which can be proved by the Technical Secretary to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-3-3.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 [et seq.](#) Administrative History: Original Rule certified March 21, 1979. Amended effective December 14, 1981. Amended effective November 6, 1988. [Repeal and new rule filed July 13, 1994; effective September 26, 1994. Amendments filed August 18, 2016; effective November 16, 2016.](#)

1200-3-20-.087 SPECIAL REPORTS REQUIRED

(1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

(a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.

(b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.

(c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.

(d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shutdowns.

(e) Information to determine if the excess emissions truly result from a malfunction.

(f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. Section 68-25-105 and 4-5-20~~2~~¹ [et seq.](#) Administrative History: Original Rule certified March 21, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

1200-3-20-.0~~9~~⁸ RIGHTS RESERVED

(1) Nothing in this chapter shall be construed to limit the obligation of the source to attain and maintain the ambient air quality standards not the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

Authority: T.C.A. Section 68-25-105 and 4-5-202. Administrative History: Original Rule certified March 21, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

1200-3-20-~~10~~⁹ ADDITIONAL SOURCES COVERED

(1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirements in this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason for [\(purposes of this rule\)](#) to believe a standard may be violated if a value not to be exceeded more than once in a year is equaled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modeling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. Section 68-25-105 and 4-5-20~~2~~¹ [et seq.](#) Administrative History: Original Rule certified November 16, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

Revised November, 1988