

**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 September 14, 2022
9:30 A.M.**

	Item	Presenter	Page
1.	Roll Call		
2.	Approval of June 08, 2022, Minutes		
	General Business		
3.	SO ₂ attainment demonstration for Sullivan County	Travis Blake	
4.	111(d) plan for municipal solid waste landfills	Travis Blake	
5.	Title V Fee Diversification Update	Mary-Margaret Chandler	
6.			
7.			

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.

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday June 08, 2022, 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. John Benitez
Dr. Joshua Fu
Mr. Mike Haverstick
Dr. Shawn Hawkins
Mr. Richard Holland
Dr. Chunrong Jia
Mayor Ken Moore
Ms. Amy Spann
Mayor Larry Waters
Mr. Jimmy West

The following Board members joined the meeting via WebEx

Mr. Ronne’ Adkins

The following Board members were absent:

Ms. Caitlin Jennings
Mr. Greer Tidwell
Mr. Stephen Moore

Mr. James Johnston Deputy Director of Air Pollution Control welcomed Board members and those attending via WebEx in the absence of Michelle B. Owenby, Director of Air Pollution. Mr. James Johnston shared with the Board the APC Delegation of Technical Secretary. Mr. Jimmy West was late arriving for the board meeting.

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

Dr. Adkins	Webex	Dr. Benitez	Present
Dr. Fu	Present	Mr. Haverstick	Present
Dr. Hawkins	Present	Mr. Holland	Present
Ms. Jennings	Absent	Dr. Jia	Present
Mayor Moore	Absent	Mr. Moore	Absent
Ms. Spann	Present	Mr. Tidwell	Absent
Mayor Waters	Present	Mr. West	Present

Ten (10) Board members were present and One (1) via WebEx.

The next item on the agenda was the approval of the minutes from the February 09, 2022, Board meeting.

Dr. Benitez made a motion to approve the minutes and Dr. Fu seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Absent	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The February 09, 2022, minutes were approved as written.

The motion carried with ten (10) affirmative votes.

Mr. Mark Reynolds, Division of Air Pollution Control, provided an overview of the National Emission Standards for Hazardous Air Pollutants (NESHAP) rule revision. Mr. Reynolds stated that the Division proposes to incorporate the federal NESHAP rules by reference into the state rules in TAPCR 0400-30-38. This would include all of the NESHAP rules in 40 CFR Part 61 and 40 CFR Part 63, except the Gasoline Dispensing Facility (GDF) rule. The federal GDF NESHAP is already incorporated by reference in Chapter 18 of the state rules. The U.S. Environmental Protection Agency (EPA) delegated authority to the Division for the Title V program and NESHAP rules in the 1990’s, and it is considered “automatic delegation”. Currently, most NESHAP rules are placed in the state rules on a word-for-word basis, which makes it difficult to keep up to date if a federal rule is amended.

Currently, the requirements of a NESHAP that are not reproduced through the current regulations must be placed in a permit before they can be enforced. By adopting federal NESHAP rules by reference, the Board will be able to keep the state regulations in line with the federal regulations and will be able to enforce the federal regulations directly. As part of the rule revision, the Division proposes to repeal the current NESHAP rules that are in the state rules, except the GDF rule. The Division proposes to incorporate by reference the July 1, 2020, CFR version of the NESHAP rules into the state rules.

Mr. Reynolds concluded by showing a timeline for the completion of the rule revision and answering a few questions from the Board members.

Mr. Richard Holland made a motion to approve, and Ms. Amy Spann seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes

Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Yes
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Mr. Paul LaRock presented the Board with Bristol TN LEAD SIP revision BO-22-009. Through a cover letter dated July 10, 2015, the State of Tennessee submitted a redesignation request and maintenance plan for the portion of Sullivan County, Tennessee that was designated nonattainment for the 2008 lead national ambient air quality standards (NAAQS). This area is known as the Bristol Tennessee Area. On July 7, 2016, EPA approved this redesignation request and maintenance plan, and consequently redesignated the Bristol Tennessee area to attainment for the 2008 lead NAAQS. As discussed below, the State of Tennessee is submitting this SIP revision to request EPA approval of updates to the maintenance plan for the Bristol Tennessee Area to remove the lead monitoring requirements and related contingency measure triggers as stipulated in Requirement 4 of 4 in Chapter 3 and Requirement 2 of 4 in Chapter 6 of the original SIP revision.

Mayor Moore made a motion to approve, Mr. Mike Haverstick seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Marc Corrigan presented the renewal of the Certificates of Exemption (COE) for Tennessee’s four Local Air Pollution Control Programs. Specifically, Board orders 22-005 through 22-008 regard the renewals of each of the four COEs.

Mr. Corrigan provided some background, stating that Tennessee’s Air Quality Act in Title 68 allows local governments an exemption from state supervision, essentially to have their own air pollution control program. Additionally, the Tennessee Code Annotated provides that so long as the Local Programs have provisions enacted that are not less stringent than those of the State and that such provisions are being adequately enforced, the COE shall be granted.

These certificates can be for a duration of up to two years. Each of the current COEs expire on June 30th, 2022. The new certificates are proposed for the period July 1, 2022, through June 30, 2024. The Technical Secretary is recommending renewal of each of the COEs as proposed.

Mr. Corrigan noted that we have representatives here this morning from each of the local programs. We've asked them to briefly address the Board on three key areas: provide a brief overview of their local program for the last two years, highlight any positive accomplishments or activities that have occurred in the last two years, or will soon occur and address any issues they might have in continuing to administer a local air pollution control program.

Mr. Corrigan introduced each of the local program directors to present to the Board as he discussed each of the respective Board orders.

Mr. Corrigan presented the Davidson County Certificate of Exemption BO22-005. Mr. John Finke, Director, Division of Pollution Control Davidson County, briefly addressed the Board about their program.

Ms. Amy Spann made a motion to approve, Dr. John Benitez seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Marc Corrigan presented the Board Hamilton County Certificate of Exemption BO 22-006. Ron Drumeller, Director, Chattanooga/Hamilton County Air Pollution Control Bureau, briefly addressed the Board about their program.

Mayor Moore made a motion to approve, Mr. Richard Holland seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent

Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Marc Corrigan presented the Board Knox County Certificate of Exemption BO 22-007. Mr. Brian Rivera, Director, Department of Air Quality Management, Knox County. Mr. Rivera briefly addressed the Board about their program.

Mr. Richard Holland made a motion to approve, Dr. Joshua Fu seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Marc Corrigan presented the Board Shelby County Certificate of Exemption BO 22-008.

During the discussion regarding Board order 22-008, the Board order related to the exemption for Shelby County, Mr. Corrigan noted that during the Division’s review, two areas of concern were noted: Ambient Air Monitoring Branch staffing and a few remaining yet unresolved EPA Technical Systems Audit (TSA) issues, as well as a significant Title V permitting backlog. Mr. Corrigan went on to discuss these items in detail.

He noted that sufficient air quality monitoring data that meets quality assurance and other data integrity parameters reported to EPA’s Air Quality System is critical for several things, including the assessment of air quality, attainment/non-attainment designations, preparing and evaluating State Implementation Plans, performing modeling for permit review analysis and a number of other Clean Air Act mandated EPA reports to Congress.

EPA is currently reviewing the primary ozone, PM and Pb NAAQS, and the secondary SO2, NOx, and PM NAAQS, and consequently may soon revise the NAAQS, for which air quality monitoring data of sufficient quality and quantity is critical. This creates additional urgency to having quality monitoring data.

Mr. Corrigan stated that the Technical Secretary recommended conditions in the Board order. Specifically, there is language included that the Board encourages Shelby County Health Department (SCHD) to take whatever action may be most appropriate in order to quickly resolve the outstanding findings and concerns identified in the 2019 TSA, including but not limited to: supplementing current staffing with contract labor, working to resolve staffing concerns by finding and hiring staff, or seeking any available assistance from EPA

or other air programs. In order for the Board to evaluate progress with regard to this condition, the SCHD must, on a quarterly basis, notify the Technical Secretary in writing of progress being made towards making the necessary revisions to SOPs and resolving the outstanding TSA findings and concerns, and ultimately receive a close out letter from EPA for SCHD's 2019 TSA in twelve months from the date of this order.

With respect to the Title V permitting, Mr. Corrigan indicated that the order encourages SCHD to correct the staffing deficiency or lack of funding or other factors contributing to backlog of Title V permitting activities as soon as practicable and referred the Board to the order contained in the Board's packet for additional details.

After presentation Marc Corrigan answered questions from the Board. Steven Stout with OGC spoke to the Board regarding Shelby Co COE. BO 22-008 needs to be amended to address Ambient Air Monitoring Branch staffing and a few remaining yet unresolved EPA Technical Systems Audit (TSA) issues, as well as a significant Title V permitting backlog. Letters will be sent to the Mayor of Memphis. Update the Board 6 months to 1 year on the progress.

Karen Cook-Pryor, Deputy Administrator, Shelby County Public Health, addressed the Board to discuss how Shelby County was attempting to address issues. Larry Smith, Technical Manager, Shelby County Health Department, also addressed the Board to discuss actions being taken to address issues.

After discussion among staff and Board members,

Mr. Holland made a motion to amend Board Order 22-008 to have progress reports submitted to the Division on September 30, 2022, December 31, 2022, and March 31, 2023, Mr. Haverstick seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Mr. Holland made a motion to approve Board Order 22-008 as amended. Dr. Benitz seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes

Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

Mr. West made a motion to have the Technical Secretary draft a letter to Mayor Harris and the Chairman of the Shelby County Commission, on behalf of the Department and the Board to express their concern regarding the deficiencies and to urge them to address those. Mr. Hawkins seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Yes	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Absent
Ms. Spann	Yes	Mr. Tidwell	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with eleven (11) affirmative votes.

There being no further business to discuss before the Board, the meeting was adjourned at 11:52am.

(Signed) Michelle Owenby, Technical Secretary
Tennessee Air Pollution Control Board

Approved at Nashville, Tennessee on September 14, 2022

(Signed) Mayor Larry Waters, Vice-Chairman
Tennessee Air Pollution Control Board

(Signed) David Salyers, Chairman
Tennessee Air Pollution Control Board



Department of
**Environment &
Conservation**

Title V Fee Diversification Update

September 14, 2022

Stages of Engagement

Date	Activity
August 11, 2022 10:30AM-noon Central	Meeting with Chamber
August 23, 2022 9:00AM-10:30AM Central	Webinar with Stakeholders to Present Background Information and Consider Many Non-Variable Funding Sources
September 14, 2022 9:30AM Central	Briefing with APC Board Meeting
October (Date TBD), 2022 9:00AM-10:30AM Central	Webinar with Stakeholders to Present Refined Fee Structure Diversification Options
November 1, 2022 – January 2023	Formal Rulemaking Process: Including a Formal Public Hearing
January 2023	APC Board Meeting for Review & Vote on rule

Title V Fee Engagement webpage

<https://www.tn.gov/environment/program-areas/apc-air-pollution-control-home/apc/title-v-fee-engagement.html>