

**TENTATIVE AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
Davy Crockett Tower, First Floor
Conference Room 1-B
500 James Robertson Parkway
Nashville, TN 37243-0582
In Person and
Remote Access Via WebEx link**

**Wednesday, September 11, 2024
9:30 A.M.**

******Public Comments:** If you wish to speak on topic(s) shown here, please print your name on the Sign-In Sheet provided at the guest table or type your name into the Webex chat box. Someone will recognize you during the meeting for comments or questions. *********

	Item	Presenter	Page
1.	Roll Call		
2.	Approval of the July 10, 2024, Board Meeting Minutes		03
3.	BO-24-010 Knox County Regulatory Revisions ** Comments from the Public or Online Participants**	Marc Corrigan	06
4.	Retrospective Rule Review Repeal ** Comments from the Public or Online Participants**	Michelle Oakes	34
	General Business: Rule Revision for Ambient Air Quality Standards	Mark Reynolds	63
	Oil and Gas Rule In Tennessee	Michelle Oakes	79
	Comments from the Public or Online Participants		

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.

WebEx Meeting Information

Join from the webinar link

<https://tn.webex.com/tn/j.php?MTID=mc3862be9d886dd349efff2807dd1e924>

Join by the webinar number

Webinar number (access code): 2300 569 3228

Webinar password: 2RfpDuBms35 (27373826 when dialing from a phone or video system)

Tap to join from a mobile device (attendees only)

+1615-747-4911,,23005693228#27373826# Webex Call-In

+1-415-655-0001,,23005693228#27373826# US Toll

Some mobile devices may ask attendees to enter a numeric password.

Join by phone

+1 615-747-4911 Webex Call-In

+1-415-655-0001 US Toll

Global call-in numbers

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday July 10, 2024, at 9:35 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the “Board”), began its meeting on the 1st Floor of the Davy Crockett Tower, Conference Room 1-A . The following Board members were physically present.

Dr. Ronne’ Adkins
Dr. John Benitez
Mr. Kyle Etheridge
Mr. Mike Haverstick
Dr. Shawn Hawkins
Mayor Ken Moore
Mr. Nicholas Ramos
Ms. Caitlyn Roberts
Ms. Amy Spann
Mayor Larry Waters
Mr. Jimmy West

The following Board members joined the meeting via WebEx.

Dr. Joshua Fu
Dr. Chunrong Jia

The following Board member was absent:

Mr. Stephen Moore

Since the Chairman, David Salyers, P.E., could not attend the meeting, Dr. Ronne’ Adkins represented the Chairman by proxy. Ms. Michelle Owenby, Director, Division of Air Pollution Control, served as Technical Secretary.

The Vice-Chairman, Mayor Larry Waters, called the meeting to order and asked for a roll call and the response was as follows:

Dr. Adkins	Present	Dr. Benitez	Present
Mr. Etheridge	Present	Dr. Fu	WebEx
Mr. Haverstick	Present	Mr. Hawkins	Present
Dr. Jia	WebEx	Mayor Moore	Present
Mr. Moore	Absent	Ms. Roberts	Present

Mr. Ramos	Present	Ms. Spann	Present
Mayor Waters	Present	Mr. West	Present

Eleven (11) Board members were present, two (2) participated via WebEx and one (1) absent.

The next item on the agenda was the approval of the minutes from the April 10, 2024, Board meeting. The Vice-Chairman requested a motion to approve the minutes. Mayor Moore made a motion to approve the minutes and Dr. Benitez seconded the motion. The Vice-Chairman asked if there were any additions or corrections to the minutes. Hearing none, the Vice-Chair asked for a roll call and the response was as follows:

Dr. Adkins	Yes	Dr. Benitez	Yes
Mr. Etheridge	Yes	Dr. Fu	Yes
Mr. Haverstick	Yes	Dr. Hawkins	Yes
Dr. Jia	Yes	Mayor Moore	Yes
Mr. Moore	Absent	Ms. Roberts	Yes
Mr. Ramos	Yes	Ms. Spann	Yes
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Thirteen (13) affirmative votes; the minutes were approved as presented.

Mayor Waters then invited Mr. Mark Reynolds to the podium.

Mr. Mark Reynolds presented the NSPS Rules to the board. TDEC proposes to repeal current NSPS rules that are in state rules. TDEC proposes to adopt by reference all Part 60 rules, except emission guidelines, which are not appropriate to adopt by reference since they require the submission of state plans. The July 1, 2022, version of 40 CFR Part 60 was adopted by the board July 10, 2024, will be filed with the secretary of state August 2024. The July 1, 2022, version of 40 CFR Part 60 will become state effective November of 2024.

The Vice-Chairman requested a motion to approve the NSPS Rules . Mayor Moore made a motion to approve, and Mr. Etheridge seconded the motion.

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

Dr. Adkins	Yes	Dr. Benitez	Yes
Mr. Etheridge	Yes	Dr. Fu	Yes
Mr. Haverstick	Yes	Dr. Hawkins	Yes
Dr. Jia	Yes	Mayor Moore	Yes
Mr. Moore	Absent	Ms. Roberts	Yes
Mr. Ramos	Yes	Ms. Spann	Yes

Mayor Waters

Yes

Mr. West

Yes

The motion carried with Thirteen (13) affirmative votes; the NSPS Rules were approved.

Mayor Waters invited Mr. James Johnston to the podium.

Mr. James Johnston presented PM NAAQS Designation Process Revisions and the future requirements. Area Designations (in process) EPA deadline is 2 years after revised NAAQS (2/7/2026). Air Quality Planning, states must submit an infrastructure plan. This plan will be due 3 years after revised NAAQS (2/7/2027) Redesignating areas and maintaining clean air for continued compliance.

Mayor Waters then invited Ms. Michelle Oakes to the podium.

Ms. Michelle Oakes presented the Bristol Area Lead 2nd Maintenance Plan to the board. Monitored trends display that data complied with the 2008 PB NAAQS until recent remediation activity. With ongoing violations due to remediation, TDEC commits to the following measures. Reporting Pb NAAQS exceedances to US. EPA, notifying remediation, third-party entity of exceedances. Encouraging remediation, third-party entity to adopt a remediation plan and efforts to reduce Pb NAAQS. Ensuring high levels return to sustained background levels.

If monitoring activities are discontinued in collaboration with TDEC and EPA, contingency measures will be different. Under this circumstance, monitoring activities would resume in accordance with federal regulations.

Mayor Waters then invited Mr. Grant Ruhl to the podium.

Mr. Grant Ruhl, Office of General Council presented the Air Pollution Control Board, Board Orientation Manual 2024.

There being no further business to discuss before the Board, nor members of the public wishing to address the Board, the meeting was adjourned at 11:03 am.

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

Approved at Nashville, Tennessee on _____

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

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

Air Pollution Control Board Summary: Board Order 24-010 Knox County Major Source (Part 70) Affirmative Defense rule revisions

The Environmental Protection Agency (EPA) removed the “emergency” affirmative defense provisions from EPA’s Title V operating permit program regulations (88 FR 47029, Friday July 21, 2023). These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. These provisions were removed as being inconsistent with the EPA’s interpretation of the enforcement structure of the Clean Air Act according to prior court decisions from the US Court of Appeals for the D.C Circuit. To be consistent with the recent revisions to the federal regulations in 40 CFR 70, Knox County Air Quality Management Division’s regulations need to be revised to remove section 25.70.F.7 that corresponds to the EPA final action of removing 40 CFR 70.6(g).

If approved by the Tennessee Air Pollution Control Board, these revisions will be submitted to EPA for incorporation into the Knox County Title V (Part 70) permitting program regulations.

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF

REGULATORY AMENDMENT TO THE
KNOX COUNTY PORTION OF THE
PART 70 PERMITTING PROGRAM

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INCORPORATION OF REVISIONS TO
25.70 MAJOR SOURCE OPERATING
PERMIT PROGRAM

ORDER NO. 24-010

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on September 11, 2024.

On July 26, 2024, the Knox County Air Quality Management Division submitted notification to the Division of regulatory changes to the Major Source Operating Permit/Title V regulations in Knox County. The Knox County Air Pollution Control Division is requesting these regulatory changes be submitted to EPA as Knox County's response to EPA's removal of Title V emergency affirmative defense provisions from state operating permit programs and federal operating permit programs. Details of the revisions are contained in Attachment 1.

A public notice of the proposed regulatory changes was published on June 12, 2024 on the Division of Air Quality Management's website and in the *Knoxville Focus* on June 17th. Knox County's Air Quality Management Division is requesting the Board's approval of these revisions to Knox County's Title V program and submission of the changes to EPA.

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

Following the Board's approval, the Knox County portion of the Title V permitting program shall be amended, and the regulatory amendment outlined in Attachment 1 approved for submission to EPA.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on the 11th day of September, 2024.

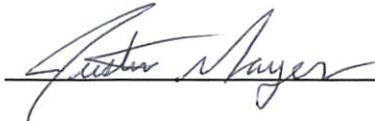
Board Order No. 24-010

ATTACHMENT 1

KNOX COUNTY AIR POLLUTION CONTROL BOARD

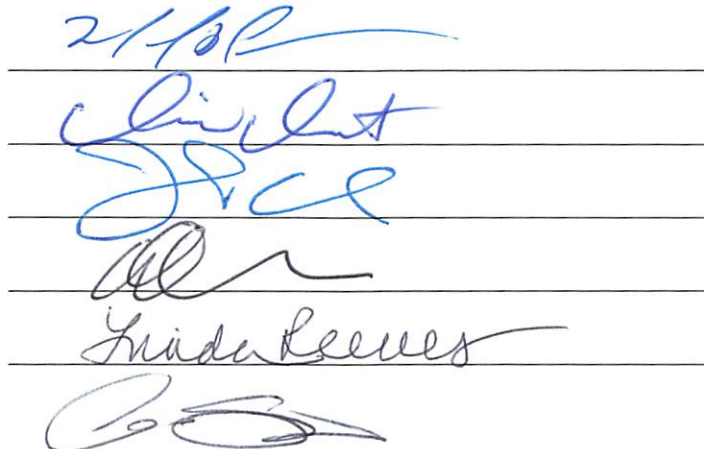
BOARD ACTION NO. 07-17-24

The Knox County Department of Air Quality Management requests the Board formally approve the amendment of Section 25.70.F.7 to the Knox County Air Quality Management Regulations. A complete and accurate copy of the proposed regulations is contained in the attached material. Notice of this proposed action was published in the June 17, 2024, issue of the Knoxville Focus.



Justin Mayer, Division Director
of Air Quality Management
And
Technical Secretary of the Knox County Air
Pollution Control Board

The items listed above were approved by a majority vote of the Knox County Air Pollution Control Board on July 17, 2024.



unless otherwise provided in regulations promulgated under Title IV of the Act.

- b. Part 70 sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for a Part 70 permit consistent with 25.70-E. The Department may, in the general permit, provide for applications which deviate from the requirements of 25.70-E, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under 25.70- G.8, the Department may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.
- 5. Temporary sources. The Department may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:
 - a. Conditions that will assure compliance with all applicable requirements at all authorized locations;
 - b. Requirements that the owner or operator notify the Department at least 10 days in advance of each change in location; and
 - c. Conditions that assure compliance with all other provisions of this section.
- 6. Reserved
- 7. Reserved
- G. Permit issuance, renewal, re-openings, and revisions.
 - 1. Action on application.
 - a. A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

I. General Information:

Contact Person(s): Justin Mayer / Rebecca Larocque

Mailing Address: 140 Dameron Avenue, Knoxville, TN 37917

Phone: 865-215-5900

Email: airquality@knoxcounty.org

Revision Type: X Amendment New Repeal

Knox County Air Quality Management Regulation (KCAQMR) Section(s) being Revised:

Section Number	Section Title
25.70	Major Source Operating Permit/ Title V

II. Description of KCAQMR Revision(s):

The Environmental Protection Agency (EPA) removed the “emergency” affirmative defense provisions from the EPA’s title V operating permit program regulations. These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. These provisions were removed as being inconsistent with the EPA’s interpretation of the enforcement structure of the Clean Air Act (CAA or the Act) according to prior court decisions from the US Court of Appeals for the D.C Circuit. In order to be consistent with the Federal regulation 40 CFR 70, KCAQMR need to be revised to remove section 25.70.F.7 that corresponds to the USEPA final action of removing 40 CFR 70.6(g).

III. Redline/Strikeout of the Revised KCAQMR Section(s):

Amending KCAQMR Section 25.70.F. by removing all of Section 25.70.F.7:

7. Emergency provision. ~~Reserved~~

~~a. Definition. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.~~

~~b. Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph 7.c of this section are met.~~

~~c. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:~~

- ~~(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;~~
- ~~(2) The permitted facility was at the time being properly operated;~~
- ~~(3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and~~
- ~~(4) The permittee immediately notified the Department by phone or fax and submitted written notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph 1.c(3)(b) of this section. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.~~

~~d. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.~~

e. ~~This provision is in addition to any emergency or upset provision contained in any applicable requirement.~~

IV. Implementation Plan

Current Part 70 (Title V) permits contain what is now impermissible affirmative defense provisions. These will be removed from individual permits by the next periods permit renewal according to the chart below or sooner if the permit is opened for modification for any reason sooner than periodic renewal.

SOURCE #	Facility Name	Expiration
8	CEMEX Construction Materials Atlantic, LLC	11/1/27
533	Explore Industries USA, Inc.	11/30/26
568	CMC Steel US, LLC	10/31/26
838	Flowers Baking Company of Knoxville, LLC	4/1/29
970	Republic Plastics, L.P.	7/25/26
1065	Republic Plastics, L.P.	4/13/25

V. Comments and Air Quality Responses:

A. Comment From EPA

1. For a comprehensive title V program update, we recommend that the final submittal of these revisions for approval into Knox County's title V program include the Knox County title V program regulations in their entirety and all provisions revisions made at the local level since the original program approval effective May 30, 1996.

Air Quality's Response:

Air Quality will prepare a final submittal upon board approval, including to the best of our ability the revisions made at the local level since May 30, 1996. This submittal will utilize the electronic SIP submission process via SPeCS.

B. Comment from TDEC

1. TDEC reviewed the changes and has no comments

C. Comment from Public

1. No comments received from public



4109 Central Avenue Pike | Knoxville TN 37912
686-9970 Office | 686-9966 Fax

Affidavit of Publication

Type of Advertisement: PUBLIC NOTICE

Docket No.: KNOX CO AIR POLLUTION CONTROL BOARD REG SESSION,
JULY 17, 2024

Case of: KNOX CO HEALTH DEPT

STATE OF TENNESSEE
County of Knox

Comes the Affiant, Pam Poe, and having been duly sworn deposes and states:

I, Pam Poe, of Knox County and having been duly authorized to do so on behalf of The Knoxville Focus, a "newspaper of general circulation" circulated to Knox County, and that the advertising notice, of which a copy is attached hereto, was published in said newspaper on the following dates:

6/17/2024

6/17/2024

Date

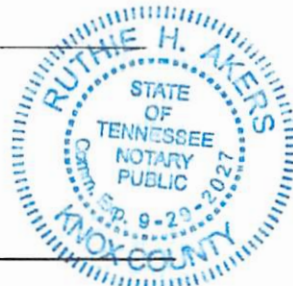
Signature

Pam Poe

Sworn to and subscribed before me this 17TH DAY OF JUNE

Notary Public:

Ruthie H. Akers



The Knoxville Focus
P.O. Box 18377
4109 Central Avenue Pike
Knoxville, TN 37912

Wallace Memorial group visits Dandridge

Cont. from page 1

from his staff and his daughter Judith Moody, who made sure we were served well and had a great leisurely lunch and fellowship time. You felt like you were a part of history and that if the walls could talk there would be some outstanding stories. It gave you time to reflect on life in the past and the beacon of hospitality the Inn has been over the years.

The house is furnished with period pieces that have been in the house for years, along with some beautiful modern decor to

complement the historical furniture. Beautiful old mantels frame fireplaces of long ago and are decorated for the season. Much of the old wallpaper is there which sets the color scheme for the rooms. Many of the floors are original pine wood. The Everetts have done such a good job in preserving the beauty and character of the home as historically accurate as possible.

The next part of our exciting day in Dandridge was a talk by Bob Jarnigan, who is the county historian and a wealth of information. His enthusiasm kept us

so fascinated by the history right in our midst. He explained that Dandridge was begun in 1792, the same date as Knox County. He told us that Dandridge is the middle name of Martha Washington, the wife of our first president, and is the only town in the U.S. named for her. He talked about the courthouse next door which is one of the oldest courthouses still being used in the nation.

Jarnigan spoke about the graveyard between Shepard Inn and the courthouse which has some of the legendary folks of the area buried there. He

encouraged us to visit the museum in the courthouse. Many of our group walked the few blocks around the historical area and the shops, while some chose to sit on the Shepard Inn porch while taking in the beautiful day and the lovely garden.

It was a rewarding day and as we left we drove on top of the dike which protects Dandridge from the waters of Douglas Lake for a stunning view. Then our wonderful bus driver and Pastoral Care Minister, Rev. Kent Williams, drove us around the lake for some snapshots. As we drove



The Wallace Memorial Baptist Church Spirit Lifters enjoyed a day in Dandridge recently.

home, so many of us marveled that we did not know this place was here and what a joy it was to spend

a day enjoying the beauty and history of this special area.

FROM THE MOUNTAINS BY JADON GIBSON

FDR visits the mountains

By Jadon Gibson

Franklin Delano Roosevelt came to the mountains of Kentucky, Tennessee and Virginia with his uncle, Warren Delano Jr. Another uncle, Theodore Roosevelt, was president of the United States at the time.

The young Roosevelt had recently graduated from Harvard when he visited Harlan and Bell counties in Kentucky and Lee County in Virginia. He aided his uncle in assessing titles and surveys for Kentenia Corporation.

"An energetic, collegiate type of fellow, Roosevelt often dressed in a turtleneck sweater with a large H (for Harvard), an elderly resident recalled several years later. "He got on and off his horse in leoprog fashion and was bustling with energy."

"He and his Uncle Warren Delano were both friendly with

local residents and often stopped at local stores where they visited and exchanged greetings.

"They sat around the pot-bellied stove and spun yarns with the local residents. FDR studied the mountain men as they chewed tobacco and spat on the stove causing it to sizzle. After a while, FDR was chewing and sizzling as loud as the old-timers."

Eleanor Roosevelt's book, "This Is My Story," published during FDR's presidency in 1937, included the following from a letter her husband wrote to her during his mountain visit in 1908.

"June 12, 1908. This letterhead is erroneous as to our location as we have come many more miles into the mountains, staying at Mr. Henry Smith's house about three miles from Harlan, Kentucky," he wrote on stationery gap.

Virginia, letterhead. "We arose Saturday morning at Pennington at 6 a.m. and took the train 18 miles down the valley to Hagen and found horses waiting for us at the station."

"We dropped down into the valley along Catron's Creek and came to the Smith house in the early evening after traveling 22 miles or 23 miles in all. It was the roughest trail and worst road in a county that is famous throughout the land for bad trails and even worse roads."

"Mr. Smith is perhaps the most prosperous farmer of the county and his bottomlands along the valley are splendid. I must close this hurriedly as the mail is going."

In a June 15, 1908 letter FDR penned, "We breakfasted late yesterday at 7 o'clock and sat around for an hour discussing legal and political affairs.

We then rode about 3 and a half miles into Harlan.

"That was like seven miles anywhere else because of the horrible conditions of the roads here. This afternoon we rode five or six miles up Martin's Fork which is the most beautiful country we have seen yet. The sides of the valley going up 2,000 feet, heavily wooded with great poplars, chestnuts and a dozen or two other deciduous trees is splendid. Every mile or so there was a fertile bottom with fine crops and a stream of crystal water. Tomorrow we are going to an all day ride up Clover Fork."

Warren Delano Jr. was a vice president of Kentenia Corporation and a director of the L&N Railroad at the time. He was instrumental in getting L&N to build a branch in Harlan County. Kentenia took its name from

Kentucky, Tennessee and Virginia, where it had extensive land holdings. The main offices were in Big Stone Gap, Virginia.

Warren Delano and FDR attended an elaborate dinner celebrating Kentenia's first anniversary.

The menu included shadocks (the antiquated name for grapefruit), oyster soup, roast turkey with cranberry sauce, baked ham with currant jelly, French peas, potatoes, string beans, asparagus, cornbread, ice cream, cakes and fruit.

The menu also included several types of wine and a cigar for each attendee.

It was a time of excitement and optimism. The railroad was under construction and with each passing day it was drawing nearer to Kentenia's holdings.

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NOTICE TO CREDITORS

ESTATE OF CHRISTOPHER JAMES MARTIN
DOCKET NUMBER 89477-1

Notice is hereby given that on the 8 day of JUNE, 2024, Letters Testamentary in respect of the Estate of CHRISTOPHER JAMES MARTIN, who died on April 2, 2024, were issued to the undersigned by the Clerk and Master of the CHANCERY COURT OF KNOX COUNTY, TENNESSEE. All persons, resident and non-resident, having claims, matured or unmatured, against this estate are required to file the same with the Clerk and Master of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise, their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication 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 of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 21 day of JUNE, 2024.

ESTATE OF CHRISTOPHER JAMES MARTIN

PERSONAL REPRESENTATIVE
AMANDA MARTIN
11109 FARQUHAR HILLS DRIVE,
KNOXVILLE, TN 37934

JANE KAUFMAN JONES, ATTORNEY
8517 KINGSTON PIKE
KNOXVILLE, TN 37919

NOTICE TO CREDITORS

ESTATE OF WANDA LOUISE MATTHEWS
DOCKET NUMBER 89460-1

Notice is hereby given that on the 12 day of JUNE, 2024, Letters Testamentary in respect of the Estate of WANDA LOUISE MATTHEWS, who died on the 25 day of April, 2024, were issued to the undersigned by the Clerk and Master of the Chancery Court, Probate Division, of Knox County, Tennessee. All persons, resident and non-resident, having claims, matured or unmatured, against the estate are required to file the same with the Clerk of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication of this notice if the creditor received an actual copy of such notice at least sixty (60) days before the date that is four (4) months from the date of the first publication of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 12 day of JUNE, 2024.

ESTATE OF WANDA LOUISE MATTHEWS

PERSONAL REPRESENTATIVE
PEGGY PLAGLER
1231 GREENWELL DR
KNOXVILLE, TN 37908

NOTICE TO CREDITORS

ESTATE OF CARLA JEAN PARKER
DOCKET NUMBER 89513-1

Notice is hereby given that on the 31 day of MAY, 2024, Letters Testamentary in respect of the Estate of CARLA JEAN PARKER who died Dec 8, 2023, were issued to the undersigned by the Clerk and Master of the Chancery Court of Knox County, Tennessee. All persons, resident and non-resident, having claims, matured or unmatured, against her or her estate are required to file the same with the Clerk and Master of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication 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 of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 31 day of MAY, 2024.

ESTATE OF CARLA JEAN PARKER

PERSONAL REPRESENTATIVE
CHERYL PARKER GANN, EXECUTRIX
2019 EMBER BROOK LANE
POWELL, TN 37849

NOTICE TO CREDITORS

ESTATE OF ROBERT HOWARD SMITH
DOCKET NUMBER 89551-1

Notice is hereby given that on the 12 day of JUNE, 2024, Letters Testamentary in respect of the Estate of ROBERT HOWARD SMITH, who died March 10, 2024, were issued to the undersigned by the Chancery Court of Knox County, Tennessee Probate Division. All persons, resident and non-resident, having claims, matured or unmatured, against the estate are required to file the same with the Clerk of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication 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 of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 12 day of JUNE, 2024.

ESTATE OF ROBERT HOWARD SMITH

PERSONAL REPRESENTATIVE
MELBA HOWARD SMITH, EXECUTRIX
1217 FOREST BRIDGE RD
KNOXVILLE, TN 37919

PATRICK R. MCKENRICK, ATTORNEY
900 SOUTH GAY STREET, 8TH FLOOR
KNOXVILLE, TN 37901

NOTICE TO CREDITORS

ESTATE OF MARILYN V. WADE
DOCKET NUMBER 89454-1

Notice is hereby given that on the 31 day of MAY, 2024, Letters Testamentary in respect of the Estate of MARILYN V. WADE who died March 25, 2024, were issued to the undersigned by the Clerk and Master of the Chancery Court of Knox County, Tennessee. All persons, resident and non-resident, having claims, matured or unmatured, against her or her estate are required to file the same with the Clerk and Master of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication 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 of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 31 day of MAY, 2024.

ESTATE OF MARILYN V. WADE

PERSONAL REPRESENTATIVE
PHYLLIS WALZEN, EXECUTRIX
3155 NW WOODSIDE DRIVE
MORGENTHAU, TN 37913

NOTICE TO CREDITORS

ESTATE OF ANNETTE M. WALLACE
DOCKET NUMBER 89584-1

Notice is hereby given that on the 12 day of JUNE, 2024, Letters Testamentary in respect of the Estate of ANNETTE M. WALLACE, who died on January 1, 2024, were issued to the undersigned by the Chancery Court of Knox County, Tennessee. All persons, resident and non-resident, having claims, matured or unmatured, against the estate are required to file the same with the Clerk of the above-named court on or before the date of the first publication of this notice to creditors as prescribed in (1) or (2) below; otherwise their claims will be forever barred.

(1) Sixty (60) days from the date of the first publication 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 of this notice.

(2) 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 as described in (1)(a); or

(3) Twelve (12) months from the decedent's date of death.

This the 12 day of JUNE, 2024.

ESTATE OF ANNETTE M. WALLACE

PERSONAL REPRESENTATIVE
STEVEN A. WALLACE
1217 FOREST BRIDGE RD
KNOXVILLE, TN 37919

O.E. SCHWAB, ATTORNEY
900 SOUTH GAY STREET, 8TH FLOOR
KNOXVILLE, TN 37901

MISC. NOTICES

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

Knox County
Draft Application for HUD PRIDE Program
Knox County Goals &
Community Development

The Knox County Goals & Community Development (KCCG) office is seeking to draft application for the U.S. Department of Housing and Urban Development (HUD) Preservation and Investment Incentives (PII) program (HUD-PII) (HUD-PII) program. We are seeking public comment on the draft from June 17 through July 4, 2024.

KCCG will host a Public Hearing at 3:00 p.m. on Monday, July 1, 2024, at the following location:

405 Dune Road
KCCG and the Knoxville-Knox County Office of Housing Stability
Knoxville, TN 37919

Citizens are encouraged to share input at the public hearing, which can be attended in person or virtually through Zoom. Comments may also be submitted to kccg@knoxcounty.gov, by phone at 865-215-2525, or mailed to KCCG, 405 Main Street, Suite 344 Knoxville, TN 37902. All comments must be received no later than Thursday, July 4, 2024. The County will incorporate all comments received into the final

PLAN TO TESTIFY: APPLICATIONS

Persons requiring special assistance or accommodation should contact KCCG at least three days before the public hearing.

Public hearing information and a draft copy of the PII are available at <https://knoxcounty.gov/communitydevelopment/>. The final version of the application will be submitted to HUD on or before July 15, 2024.

"Si usted necesita asistencia para este evento en otro idioma, por favor llame al 865-215-2525 para mayor informacion y asistencia del Departamento Comunitario del Condado de Knox."

Public Hearing Information and a Draft Copy of the PII are available at <https://knoxcounty.gov/communitydevelopment/>.

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Knox County Health Department

140 Dameron Avenue, Knoxville, TN 37917

Knox County Air Pollution Control Board

Glenn Jacobs
Knox County Mayor

David L. Buuck
Law Director
Knox County Law Department

Terry Hill
Chairwoman
Board of Commissioners

Mike Conger, P.E.
Chair
Representing
Knoxville Regional Transportation
Planning Organization

Michael Barnhart
Vice-Chair
Representing
The University of Tennessee

Representative
Knoxville Academy of Medicine

Thomas V. Clabo, P.E.
Representing
The City of Knoxville

Cathy Olsen, GISP, PMP
Representing
Knox County Government

Linda P. Reeves, Ph.D.
Representing
Pellissippi State Community College

Douglas Ross
Representing
Knoxville Area Chamber Partnership

Robert R. Scott, P.E.
Representing
Technical Society of Knoxville

J. Chris Sharp
Representing
Citizens at Large

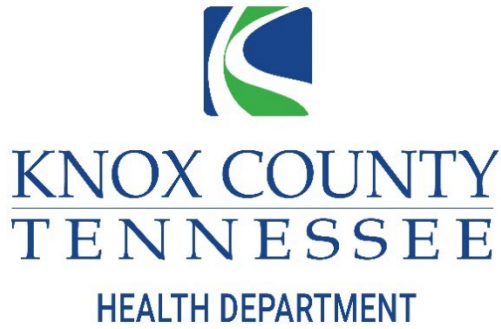
Notice

The Knox County Air Pollution Control Board will meet in a regular session at 4:00 p.m. in Community Room (Room Number B500) located on the basement floor of the Knox County Health Department, 140 Dameron Avenue, Knoxville, TN 37917, on Wednesday, July 17, 2024. Public comment is welcome.

If you are a person with a disability who requires an accommodation in order to attend this public meeting, please contact the Knox County ADA Coordinator, Carly Pearson, at 865-215-3603 or carly.pearson@knoxcounty.org no less than 72 hours prior to the meeting.

Agenda

- I. Call to order
- II. Roll call
- III. Amendments to the agenda
- IV. Approval of minutes from meeting of May 21st, 2024
- V. Citizen's comments and requests
- VI. Regulatory Revisions
 1. Amendments to Section 16.0, Open Burning
 2. Amendments to Section 25.70, Major Source Operating Permit/ Title V
- VII. Reports
 1. Director's report
 2. Air Monitoring report
 3. Enforcement report
- VIII. Other business
- IX. Adjournment



KNOX COUNTY AIR POLLUTION CONTROL BOARD MEETING

The Knox County Air Pollution Control Board (Board) met in regular session on Wednesday, July 17, 2024, at 4:00 p.m. in the Community Room located in the Knox County Health Department, 140 Dameron Avenue, Knoxville, TN 37917. Those members present were Mr. Mike Conger, Mr. Michael Barnhart, Mr. Tom Clabo, Ms. Cathy Olsen, Dr. Linda Reeves, and Mr. Chris Sharp.

Also present were Mr. Justin Mayer, Division Director of Air Quality (AQ), Mr. Kevin Clark, Director of Environmental Health, Ms. Rebecca Larocque, Environmental Program Manager, other Air Quality team members, and Ms. Jessica Johnson, Deputy Law Director for Knox County.

Mr. Mike Conger, Board Chair, presided over the opening of the meeting and thereafter.

* * * * *

The following proceedings were had and entered of record to wit:

* * * * *

In re: Roll Call

Mr. Mike Conger called the meeting to order and asked Mr. Justin Mayer, Division Director of Air Quality, to call the roll, and it was determined that a quorum was present.

* * * * *

In re: Amendments to the Agenda

Mr. Mike Conger asked if there were any amendments to the agenda. Mr. Justin Mayer told the Board that under Item VI, Regulatory Revisions, the Amendments to Section 16.0, Open Burning, needed to be removed from the agenda.

Mr. Mike Conger asked for a motion to so amend the agenda. Mr. Tom Clabo so moved, and Ms. Cathy Olsen seconded it and upon vote the motion carried and the agenda was amended.

* * * * *

In re: Approval of Minutes from Meeting of May 21st, 2024

Mr. Mike Conger asked if there was a motion to approve the minutes from the May 21st, 2024, meeting. Mr. Chris Sharp so moved, and Mr. Tom Clabo seconded it and upon vote the motion carried.

* * * * *

In re: Citizen's Comments and Requests

Mr. Mike Conger asked if there was anyone present who wished to address the Board

Mr. George Eldridge addressed the Board concerning the odors from Liquid Environmental Solutions (LES) operations. Mr. Eldridge made comments regarding recent actions taken by the City of Knoxville and their Board of Zoning Appeal (BZA) requiring LES to enclose all their processes. LES is expected to appeal to the Knoxville City Council. Mr. Eldridge also asked, as he had done so at previous KCAPC Board meetings, for AQ to vacate the enforcement agreement with LES.

Mr. Tanner Jessel addressed the Board about the odors from the LES facility. He also spoke to the Board about the recent action of the City of Knoxville BZA. Mr. Tanner Jessel presented the Board with several handouts including photos and diagrams of LES facilities in other communities. Mr. Tanner Jessel asked that AQ pursue prosecution of LES regarding the nuisance the odors caused in the community.

* * * * *

In re: Regulatory Revision

Mr. Justin Mayer presented the proposed revision to the Knox County Air Quality Management Regulations by removing Section 25.70.F.7. Mr. Justin Mayer explained to the Board that the Environmental Protection Agency (EPA) had removed the "emergency" affirmative defense provisions from the EPA's Title V operating permit program regulations. Mr. Justin Mayer reported that these provisions had been removed because EPA determined that they were inconsistent with their interpretation of the enforcement structure of the Clean Air Act (CAA). In order to be consistent with the Federal regulations Section 25.70 needs to be revised by removing section 25.70.F.7.

Mr. Mike Conger asked if the Board had any questions. There were none. Mr. Mike Conger asked for a motion to adopt all the revision. Mr. Chris Sharp made a motion to adopt the proposed regulatory change, and the motion was seconded by Dr. Linda Reeves, and upon vote the motion carried.

A complete copy of this regulatory action is filed with these minutes.

* * * * *

In re: Director's Update

Mr. Justin Mayer, Division Director of Air Quality, presented the Director's Update.

Mr. Justin Mayer told the Board some details on the recent violations recorded against LES. AQ is awaiting LES response to a NOV dated July 9th, 2024. If there is no response, AQ will issue an Administrative Order (AO) to LES.

Mr. Justin Mayer explained to the Board that AQ is also still awaiting payment on an AO previously issued to LES. Mr. Justin Mayer stated that if LES does not submit payment by July 22, 2024 the matter will be pursued by way of a court filing or other means.

Mr. Justin Mayer told the Board that he and Ms. Amber Talgo were going to attend an EPA and State meeting in Chattanooga on July 30th, 2024.

Mr. Justin Mayer mentioned to the Board that AQ would have a conference call with TDEC on August 26th, 2024 regarding the PM 2.5 designations.

Mr. Mike Conger asked if the Board had any questions. There were none.

* * * * *

In re: Air Monitoring Update

Ms. Amber Talgo, Air Monitoring Program Manager, presented the Air Monitoring Update to the Board.

Ms. Amber Talgo let the Board know that AQ has not yet received an official audit report.

Ms. Amber Talgo reported to the Board that the T640 data has been processed in EPA's data bank. AQ is awaiting EPA's final adjustment to the data in order to determine the PM 2.5 design value for Knox County.

Ms. Amber Talgo explained the Board that AQ is utilizing new EPA software in an attempt to report an exceptional event situation with the current PM 2.5 data. AQ has until February 2025 to complete this assessment.

Mr. Mike Conger asked if the Board had any questions. There were none.

* * * * *

In re: Enforcement Update

Ms. Rebecca Larocque, Environmental Program Manager presented the Enforcement Update to the Board.

Ms. Rebecca Larocque noted to the Board that an AO had been issued to Fulton Bellows for unpermitted methanol emissions.

Ms. Rebecca Larocque told the Board that there is a pending AO to DC Foundations for operating unpermitted equipment.

Ms. Rebecca Larocque explained that most of the enforcement actions listed in the handout page pertained to gasoline dispensing facilities regarding non-payment of fees or other permit issues.

Ms. Rebecca Larocque gave details to the Board regarding odor complaints. Fourteen of the eighteen odor complaints were directed at LES. Several odor complaints were directed at Leisure Pools (Explore Industries) in Forks of the River Industrial Park.

Ms. Rebecca Larocque mentioned to the Board that there was a pending Notice of Violation (NOV) to LES for a violation on July 8th, 2024. AQ has conducted 2 unannounced inspections at LES in the second quarter of this year.

Rebecca Larocque explained to the Board that as a quality improvement project the enforcement program is being re-evaluated. The intent is to standardize enforcement responses.

The details of the current events regarding the complaints and enforcement actions on LES were discussed by the Board, AQ staff, and Ms. Jessica Johnson. Mr. Mike Conger asked that AQ e-mail the Board the AO, when finalized, for the most recent NOV.

* * * * *

In re: Other Business

Mr. Mike Conger asked if there was any other business. There was none.

* * * * *

In re: Adjournment

Mr. Mike Conger asked if there was a motion to adjourn. Dr. Linda Reeves so moved, and Mr. Michael Barnhart Sharp seconded it. The meeting was adjourned.



Knox County Health Department

140 Dameron Avenue, Knoxville, TN 37917

July 28, 2024

Technical Secretary
c/o Mark Corrigan
TDEC
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway
Nashville, TN 37243

Re: Recommendation for Approval of KCAQMR amendments

On July 17, 2024 the Knox County Air Pollution Control Board amended the Knox County Air Quality Management Regulations. The amendment affects Section 25.0 (Permits); specifically, 25.70 the Title V portion.

The Knox County Department of Air Quality Management (Air Quality) formally requests that the Technical Secretary request the State Air Board's approval of the revision.

Please review the following enclosed documentation.

1. Public Notice of Knox County Air Board Meeting with Proposed Regulatory Changes
2. Agenda of Knox County Air Board Meeting
3. Meeting Minutes of the July 17, 2024 Board Meeting
4. Adopted Amendment signature pages
5. EPA prehearing comments
6. Regulatory Revision Form including redline/ Strikeout version, summary of need, and response to comments
7. Final copy of Section 25.0 (Permits) in its entirety

This action resulted in no public comments, nor any request for hearings. If there are any questions, please do not hesitate to contact me at (865) 215-5913 or Justin.Mayer@knoxcounty.org

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Mayer", written over a horizontal line.

Justin Mayer
Division Director



REGION 4
ATLANTA, GA 30303

July 11, 2024

Justin Mayer
Director, Division of Air Quality Management
Knox County Department of Air Quality Management
140 Dameron Avenue
Knoxville, Tennessee 37917-6413

Dear Mr. Mayer:

Thank you for your email dated June 18, 2024, transmitting the public notice regarding the proposed revisions to Knox County's Open Burning and Major Source Operating Permit/Title V Regulations. This submission is subject to public review and comment, with written comments due by the close of business on July 12, 2024. The EPA has completed its review of the prehearing submittal and offers the comments in the enclosure.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Joel Huey, Manager, Multi-Air Pollutant Coordination Section, at (404) 562-9104, or your staff may contact Faith Goddard at (404) 562-8757.

Sincerely,

JANE SPANN

Digitally signed by JANE
SPANN
Date: 2024.07.11 14:11:10
-04'00'

Jane Spann
Acting Branch Manager
Air Planning and Implementation Branch

Enclosure

**The U.S. Environmental Protection Agency Comments on Knox County's Proposed Revisions to
KCAQMR Section 16.0 – Open Burning and Section 25.70 – Major Source Operating Permit/Title V
Regulations**

General Comments

Section 16.4, Rule 16.4.A.2 Exceptions to Prohibition – With Permit:

1. The public notice prehearing redline strikeout text at Rule 16.4.A.2 is different from the regulatory text at SIP Rule 16.4.A.2 in the Knox County portion of the Tennessee SIP (see also Table 3 to 40 CFR 52.2220(c)). Specifically, the text at 16.4.A.2 is not approved into the LIP as yet, and portions of the provision are instead included as prefatory text at 16.4. EPA requests Knox County review the regulatory text referenced above and clarify whether Knox County intends to provide the changes made in the April 18, 2018, and July 17, 2019, versions of the rule to EPA in the final submission.
2. Prehearings related to SIPs should be submitted through SPeCS using the electronic SIP submission process. Although Part 70/Title V-related prehearings are not subject to the electronic SIP submission requirement, for all future SIP-related prehearings and any final SIP revision submittals (including the final submittal related to this prehearing), please utilize the electronic SIP submission process and submit those via SPeCS.

Section 25.70, Rule 25.70.F.7 Major Source Operating Permit/Title V:

1. For a comprehensive title V program update, we recommend that the final submittal of these revisions (the ones that are the subject of this prehearing) for approval into Knox County's title V program include the Knox County title V program regulations in their entirety and all previous revisions made at the local level since the original program approval effective May 30, 1996. See Appendix A to part 70.

II.

In accordance with Tennessee Code Annotated 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, 2024**, and expires on **June 30, 2026** as authorized by Tennessee Code Annotated 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 April, 2024.

Steph Moore [Signature]

John D. Buntin Mike Haworth

R. L. Hill Jin Chunrong

Larry White _____

Shawn Healy _____

James L. Wynn _____

Kyle L. Hendrix _____

Board Order 24_007 Shelby COE 2024 a.docx

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

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. 24-007, passed
by the Board on this the 10th day of April 2024

Air Pollution Control Board Members of the State of Tennessee

[Handwritten signatures of Air Pollution Control Board Members]



Expiration Date: June 30, 2026

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
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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:	Michelle Oakes
Address:	Davy Crockett Tower, Floor 7 500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	(615) 253-9933
Email:	Michelle.Oakes@tn.gov

Revision Type (check all that apply):

☐ Amendment ☐ Content based on previous emergency rule filed on _____
☐ New ☐ Content is identical to the emergency rule
☒ 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
1200-03-07	Process Emission Standards
Rule Number	Rule Title
1200-03-07-.06	Standards of Performance for New Stationary Sources

Chapter Number	Chapter Title
1200-03-25	Standards for Infectious Waste Incinerators
Rule Number	Rule Title
1200-03-25-.01	Purpose
1200-03-25-.02	General
1200-03-25-.03	Existing Source Compliance Schedules
1200-03-25-.04	Definitions
1200-03-25-.05	Emission Standards
1200-03-25-.06	Performance Specifications
1200-03-25-.07	Monitoring Requirements
1200-03-25-.08	Testing Requirements
1200-03-25-.09	Record Keeping and Reporting Requirements

1200-03-25-.10	Inspection and Maintenance
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Chapter Number	Chapter Title
1200-03-27	Nitrogen Oxides
Rule Number	Rule Title
1200-03-27-.07	Voluntary NOx Emissions Reduction Program

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 1200-03-07
Process Emission Standards

Repeal

Rule 1200-03-07-.06 Standards of Performance for New Stationary Sources is repealed.

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

Chapter 1200-03-25
Standards for Infectious Waste Incinerators

Repeal

Chapter 1200-03-25 Standards for Infectious Waste Incinerators is repealed.

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

Chapter 1200-03-27
Nitrogen Oxide

Repeal

Rule 1200-03-27-.07 Voluntary NOx Emissions Reduction Program is repealed.

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					
Kyle Etheridge Representative of Tennessee Industry					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Dr. Chunrong Jia Environmental Interests					
Ken Moore Working in Municipal Government					
Stephen Moore Working for Industry with technical experience					
Nicholas Ramos Conservation Interest					
Amy Spann, PE Registered Professional Engineer					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					

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 08/14/2024 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: 04/11/2024

Rulemaking Hearing(s) Conducted on: (add more dates). 06/05/2024

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-07, 1200-03-25, 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.

Jonathan Skrmetti
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

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Board did not receive any comments during the public comment period.

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.

No small businesses will be impacted by the repeal of these rules. Each rule was identified through the retrospective rule review process as being out-of-date, redundant, or not applied in practice.

- (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.

There are no reporting, recordkeeping, or other administrative costs resulting from this rulemaking.

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

No small businesses or consumers will be impacted by this rulemaking.

- (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 the least burdensome, intrusive, or costly way to achieve the stated purpose.

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

The Department is not aware of state or federal counterparts for this rulemaking.

- (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.

No small businesses will be impacted by this rulemaking.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The Board anticipates that this rule will not result in an increase in expenditures or a decrease in revenues for 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;

The Air Pollution Control Board (Board) is repealing rules that were identified through the retrospective rule review as out-of-date, redundant, or as superseded by more recent federal regulations as follows:

- Rule 1200-03-07-.06 is repealed, because the designation of new stationary source standards by the Environmental Protection Agency is covered by the incorporation by reference of federal standards in Chapter 0400-30-39.
- Chapter 1200-03-25 is repealed because the rules in the chapter have been superseded by current federal regulations. 40 C.F.R. part 60 subpart Ec (Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators) came into effect in 1997 and has been updated several times beginning in 2009; it applies to each individual hospital/medical/infectious waste incinerator (HMIWI) for which construction is commenced after December 1, 2008 or for which modification is commenced after April 6, 2010. Chapter 1200-03-25 has not been updated since 1988, so has been superseded by this updated federal standard.
- Rule 1200-03-27-.07 is repealed because the Voluntary NOx Emissions Reduction Program described by this rule is not implemented by the Department and has not been used by the regulated community.

- (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;

No federal or state law or regulation mandates promulgation of this rulemaking.

- (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;

No public comments were received in response to the rulemaking hearing notice. Because the rules proposed for repeal are out-of-date, redundant, or superseded by more recent federal regulations, no specific person, organization, corporation or government entity is expected to reject the adoption of the rule.

- (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 this 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;

The Board anticipates that this rule will not result in an increase in expenditures or a decrease in revenues for state or local governments.

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

Michelle Oakes
Division of Air Pollution Control
Davy Crockett Tower, Floor 7
500 James Robertson Parkway
Nashville, Tennessee 37243
Michelle.Oakes@tn.gov

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

Blair Beaty
Legislative Director
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
Davy Crockett Tower, Floor 5
500 James Robertson Parkway
Nashville, Tennessee 37243
(615) 253-5339
Blair.Beaty@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 Air Pollution Control Board is repealing rules that were identified through the retrospective rule review as either redundant, outdated and superseded, or not applied in practice.
- (2) A determination that the action is the least-cost method for achieving the stated purpose.

This rulemaking is the least-cost method for achieving the stated purpose.
- (3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking enables the Board to eliminate rules that are redundant, outdated and superseded, or not applied in practice.
- (4) A determination that the action represents the most efficient allocation of public and private resources.

This rulemaking is an efficient allocation of public and private resources.
- (5) A determination of the effect of the action on competition.

This rulemaking will not impact competition.
- (6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

This rulemaking will not impact the cost of living in any geographic area.
- (7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

This rulemaking will not impact employment in any geographic area.
- (8) The source of revenue to be used for the action.

This rulemaking is being accomplished with existing revenue.
- (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 rulemaking is being accomplished with existing revenue.

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Division of Publications**

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Agency/Board/Commission:	Air Pollution Control Board
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1200-03-07	Process Emission Standards
Rule Number	Rule Title
1200-03-07-.06	Standards of Performance for New Stationary Sources

Chapter Number	Chapter Title
1200-03-25	Standards for Infectious Waste Incinerators
Rule Number	Rule Title
1200-03-25-.01	Purpose
1200-03-25-.02	General
1200-03-25-.03	Existing Source Compliance Schedules
1200-03-25-.04	Definitions
1200-03-25-.05	Emission Standards
1200-03-25-.06	Performance Specifications
1200-03-25-.07	Monitoring Requirements
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1200-03-27	Nitrogen Oxides
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1200-03-27-.07	Voluntary NOx Emissions Reduction Program

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Chapter 1200-03-07
Process Emission Standards

Repeal

Rule 1200-03-07-.06 Standards of Performance for New Stationary Sources is repealed.

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

~~1200-03-07-.06 Standards of Performance for New Stationary Sources.~~

~~The Board shall from time to time, after public hearing, designate additional standard(s) of performance for new stationary sources as promulgated by the Environmental Protection Agency and published in the Federal Register.~~

Chapter 1200-03-25
Standards for Infectious Waste Incinerators

Repeal

Chapter 1200-03-25 Standards for Infectious Waste Incinerators is repealed.

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

~~Table of Contents~~

~~1200-03-25-.01 Purpose
1200-03-25-.02 General
1200-03-25-.03 Existing Source Compliance Schedules
1200-03-25-.04 Definitions
1200-03-25-.05 Emission Standards
1200-03-25-.06 Performance Specifications
1200-03-25-.07 Monitoring Requirements
1200-03-25-.08 Testing Requirements
1200-03-25-.09 Record Keeping and Reporting Requirements
1200-03-25-.10 Inspection and Maintenance~~

~~1200-3-25-.01 Purpose~~

~~It is the purpose of this chapter to establish emission standards and performance specifications for new and existing incinerators that burn infectious waste so as to prevent undesirable levels of air contaminants in the atmosphere.~~

~~1200-3-25-.02 General~~

- ~~(1) — Incinerators which burn infectious waste generated by Hospitals, Nursing Homes or Ambulatory Surgical Treatment Centers, as such facilities are defined in T.C.A. § 68-11-201, are subject to the provisions of this chapter.~~
- ~~(2) — An owner or operator shall not burn infectious waste except in a multiple-chamber incinerator with a solid hearth, or in a device found to be equally effective for the purpose of air contaminant control as an approved multiple-chamber incinerator as determined by the Technical Secretary but not as described in 1200-3-25-.06(1)(c).~~
- ~~(3) — The Technical Secretary may establish an emission limit more restrictive than that otherwise specified in this chapter and/or an emission limit for any air contaminant discharged from the infectious waste incinerator that is not specified in this chapter. These emission limits shall be a special condition on any~~

~~permit or order concerning the source and shall be ratified by the Air Pollution Control Board. Violation of the special condition shall be grounds for revocation of the issued permit or order pursuant to the UAPA.~~

~~1200-3-25-.03 Existing Source Compliance Schedules~~

- ~~(1) Incinerators in existence before November 6, 1988 must be in compliance, on or before 18 month from November 6, 1988, with the standards and requirements of this chapter. Each owner or operator of an existing incinerator shall either demonstrate compliance with the requirements of this chapter or submit a compliance schedule detailing the plan of action to achieve compliance within the above 18-month time frame to the Technical Secretary within 180 days from November 6, 1988.~~
- ~~(2) Individual compliance schedules for existing incinerators approved under this rule must contain the following increments of progress and achieve final compliance with the specified emission standards and requirements.~~
 - ~~(a) Date contract will be awarded~~
 - ~~(b) Date initial construction will commence~~
 - ~~(c) Date construction will be completed~~
 - ~~(d) Date final compliance will be achieved~~
 - ~~(e) Date of compliance demonstration~~
- ~~(3) The individual compliance schedule must be received and approved by the Technical Secretary prior to the date of the first increment of progress.~~

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

~~1200-3-25-.04 Definitions~~

~~Unless specifically defined in this chapter, the definitions from Chapter 1200-3-2 will apply:~~

- ~~(1) "Incinerator" means any device used in the process of controlled combustion of waste for the purpose of reducing the volume and minimizing the potential for harm to public health from the waste charged by destroying combustible matter leaving the noncombustible ashes or residue.~~
- ~~(2) "Infectious waste" means solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this Rule, all of the following types of wastes shall be considered to be infectious wastes:~~
 - ~~(a) Wastes contaminated by patients who are isolated due to communicable disease, as provided in the U.S. Centers for Disease Guidelines for Isolation Precautions in Hospital, (July, 1983).~~
 - ~~(b) Cultures and stocks of infectious agents: including specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.~~
 - ~~(c) Waste human blood and blood products such as serum, plasma, and other blood components.~~
 - ~~(d) Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy.~~
 - ~~(e) All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.~~
 - ~~(f) Contaminated carcasses, body parts, and bedding of animals that were exposed to pathogens in research, in the production of biologicals, or in the "in vivo" testing of pharmaceuticals.~~

- ~~(g) — Other wastes determined to be infectious by the facility.~~
- ~~(3) — “In existence” means that the owner or operator has (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility, or (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, or to undertake a program of construction at the facility to be completed in a reasonable time, or (3) that the owner or operator possesses a valid operating permit.~~
- ~~(4) — “Continuous program of physical on-site construction” means significant and continuous site preparation work such as major clearing or excavation followed by placement of footings, pilings, and other materials of construction, assembly, or installation of unique facilities or equipment at the site of the source.~~
- ~~(5) — “Substantial loss” generally means a loss which would equal or exceed 10 percent of the total project cost.~~
- ~~(6) — “Anti-neoplastic agents” means chemotherapy drugs or compounds used in the treatment of cancer. For the purpose of this rule, containers or other items containing residues of anti-neoplastic agents shall not be considered anti-neoplastic agents.~~
- ~~(7) — “Residues of anti-neoplastic agents” means the portion of compound that remains in a container or other item after all the compound has been removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and no more than 2.5 centimeters (one inch) of material remain on the bottom of the container or other item, or no more than 3 (three) percent by weight of the total capacity of the container remains in the container or other item.~~
- ~~(8) — “Multiple-chamber incinerator” means an incinerator consisting of at least two refractory lined combustion chambers (primary and secondary) in series, physically separated by refractory walls, interconnected by gas passage ports or ducts.~~
- ~~(9) — “Afterburner” means an auxiliary burner for destroying unburned or partially burned combustion gases after they have passed from the combustion chamber.~~
- ~~(10) — “Batch Incinerator” means an incinerator that is loaded while the chamber(s) is cold and is not recharged until the burndown cycle is complete.~~
- ~~(11) — “Biologicals” means noxious organisms.~~

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

~~1200-3-25-.05 Emission Standards~~

- ~~(1) — Particulate matter shall not be in excess of 0.1 grains per dry standard cubic foot of exhaust gas corrected to 12 percent CO₂.~~
- ~~(2) — The Technical Secretary shall specify on the construction and/or operating permits as permit conditions, the hydrogen chloride (HCl) emission level that is reasonable available control technology (RACT) so that the air quality impact from a source shall not exceed 70.0 micrograms per cubic meter HCl, 24-hour average. The owner or operator of the infectious waste incinerator may choose to limit the operating hours of the source to meet the impact level.~~
- ~~(3) — Visible Emission Standards~~
- ~~(a) — No owner or operator subject to the provisions of this chapter shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 10 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 20 percent opacity. This opacity standard shall not apply to burner startups when only firing auxiliary fuel without waste being burned.~~
- ~~(b) — Visible determination of opacity of emissions shall be determined by the reference method as specified in Rule 1200-3-16-.01(5)(g) of the Official Compilation of the Rule and Regulations of the State of Tennessee and the Federal Register, Vol. 39, No. 219, November 12, 1974.~~

1200-3-25-.06 Performance Specifications

~~(1) Temperature and Residence Time Requirements~~

- ~~(a) The incinerator secondary chamber shall be maintained at a minimum temperature of 1600°F, except as specified in subparagraph (c) of this paragraph.~~
- ~~(b) The minimum secondary chamber residence time for those incinerators not in existence on November 6, 1988 shall be 1.0 second. The minimum secondary chamber residence time for incinerators in existence on November 6, 1988 shall be sufficient to prevent excess visible emissions as specified in subparagraph 1200-3-25-.05(3)(a).~~
- ~~(c) Owners or operators which have an incinerator in existence on November 6, 1988 without a secondary chamber and equipped with an afterburner operated at a minimum temperature of 1600°F may choose to meet a more restrictive visible emission standard of zero percent opacity in lieu of meeting the secondary chamber requirements. The opacity shall be evaluated using Tennessee Visible Emission Evaluation (TVEE) Method 3 approved by the Tennessee Air Pollution Control Board on December 12, 1984 and amended on May 30, 1985 and included in the State Implementation Plan. TVEE Method 3 was approved by EPA on March 19, 1986 and published in the Federal Register, Vol. 51, No. 53, Page 9445, May 19, 1986.~~
- ~~(d) An infectious waste incinerator used to combust anti-neoplastic agents must be operated with the secondary chamber at a minimum exit temperature of 1800°F with a secondary chamber design residence time of not less than 1.5 seconds.~~

~~(2) The firing of the incinerator burners shall be controlled automatically to maintain the specified minimum secondary chamber or afterburner temperature.~~

~~(3) Charging Systems~~

- ~~(a) Incinerators shall be equipped with an automatic mechanical loading device, and an interlock system shall be provided to prevent charging until the secondary chamber exit temperature of 1600°F is established except as provided for below.~~
- ~~(b) The owner or operator of an incinerator, except a batch incinerator, in existence on November 6, 1988 which is manually fed may submit a written request to the Technical Secretary that manual feeding be allowed. The request must include a plan detailing the methods and operating procedure to be employed in manually charging the incinerator. The Technical Secretary shall determine if the plan provided is acceptable. The plan must be submitted to the Technical Secretary within 180 days of November 6, 1988 and the operation of the incinerator by this plan shall become a condition of the operating permit.
 - ~~1. The owner or operator of the incinerator must post or file on the operating premises a copy of the approved plan.~~
 - ~~2. The approval of the plan shall not relieve the owner or operator of the duty to comply with all other applicable emission requirements.~~
 - ~~3. Any violation of the permit conditions or other requirements of this chapter may result in the Technical Secretary requiring that an automatic mechanical loading device be installed.~~~~
- ~~(c) Batch incinerators shall incorporate a lockout system which will prevent ignition of the waste until the exit temperature of the secondary chamber or the afterburner reaches 1600°F and prevent recharging until the combustion and burndown cycles are complete.~~

~~(4) Startup and Shutdown Requirements~~

- ~~(a) No waste shall be charged to an incinerators other than a batch incinerator until the secondary~~

~~chamber or afterburner has achieved a minimum temperature of 1600°F, except as specified in subparagraph (b) of this paragraph. The secondary chamber or afterburner must achieve and maintain the required minimum temperature for 15 minutes before charging begins.~~

- ~~(b) No waste shall be charged to an incinerator used to combust anti-neoplastic agents until the secondary chamber has achieved a minimum temperature of 1800°F. The secondary chamber must achieve and maintain the required minimum temperature for 15 minutes before charging begins.~~
- ~~(c) During incinerator shutdowns the secondary chamber or afterburner minimum temperature of 1600°F is to be maintained using auxiliary burners until the wastes are completely combusted and the burndown cycle is complete. For incinerators used to combust anti-neoplastic agents, the secondary chamber must be maintained at a minimum temperature of 1800°F during a shutdown until all wastes are completely combusted and the burndown cycle is complete.~~

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

~~1200-3-25-.07 Monitoring Requirements~~

~~The secondary chamber or afterburner temperature shall be continuously monitored and recorded. Sensors shall be installed, maintained, and operated such that the flames from the burners do not impinge upon the sensors. The secondary chamber temperature shall be measured at or beyond the chamber exit. The temperature sensing device shall have an accuracy that is $\pm 25^{\circ}\text{F}$ over its operating range. The recorders must have a minimum chart speed of one (1) inch per hour for strip chart recorders and a maximum of 24 hours per chart for circular recorders.~~

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

~~1200-3-25-.08 Testing Requirements~~

- ~~(1) For incinerators in existence before November 6, 1988, a particulate matter stack test shall be conducted within 180 days of November 6, 1988. For owners or operators with an approved compliance schedule stack testing will be conducted as specified in the approved schedule.~~
- ~~(2) For incinerators where construction commenced on or after November 6, 1988, stack testing for particulate matter must be conducted within 60 days after achieving the maximum capacity at which the incinerator will be operated, but not later than 180 days after initial startup.~~
- ~~(3) In lieu of requiring a source to stack test, the Technical Secretary may approve a previously conducted stack testing report for an identical unit tested under operating conditions representative of worst-case emission release.~~
- ~~(4) The owner or operator must furnish the Technical Secretary with a written report of the results of any stack testing.~~
- ~~(5) Stack testing for particulate matter shall be conducted in the manner prescribed in Ruler 1200-3-12-.03 of the Official Compilation of the Rules and Regulations of the State of Tennessee.~~
- ~~(6) Stack testing for hydrogen chloride may be required by the Technical Secretary. The stack testing shall be conducted in a manner prescribed by the Technical Secretary.~~
- ~~(7) Performance tests shall be conducted under such conditions as the Technical Secretary shall specify to the facility operator based upon representative performance of the affected facility. The owner or operator shall make available to the Technical Secretary such records as may be necessary to determine the conditions of the performance test(s). Operations during startups, shutdowns, and malfunctions shall not constitute representative conditions of performance tests.~~
- ~~(8) The owner or operator shall provide the Technical Secretary twenty (20) days' notice of the performance test to afford the Technical Secretary the opportunity to have an observer present.~~
- ~~(9) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as described in Rule 1200-3-10-.01 of the Official Compilation of the Rule and Regulations of the~~

~~State of Tennessee.~~

- ~~(10) — The Technical Secretary may require air contaminant stack testing as determined to be necessary to assure continuous compliance with the standards of this chapter and any emission limit stipulated as a permit condition.~~

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

~~1200-3-25-.09 Record Keeping and Reporting Requirements~~

- ~~(1) — Records shall be maintained at the source for a minimum of 2 years from the date compiled and shall be made available for review upon request of the Technical Secretary or his agent.~~
- ~~(2) — Operating procedures, startup procedures, and shutdown procedures for infectious waste incinerators shall be approved by the Technical Secretary and posted on-site at or near the incinerator.~~

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

~~1200-3-25-.10 Inspection and Maintenance~~

- ~~(1) — Inspection and maintenance schedules for infectious waste incinerators are to be posted or kept on-site at or near the incinerator.~~
- ~~(2) — Records shall be kept of inspections, maintenance, and repairs.~~

Chapter 1200-03-27
Nitrogen Oxide

Repeal

Rule 1200-03-27-.07 Voluntary NOx Emissions Reduction Program is repealed.

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

~~1200-03-27-.07 Voluntary NOx Emissions Reduction Program.~~

- ~~(1) — The purpose of this rule is to provide a method by which sources that emit NOx but are not subject to the requirements of Rule .06 of this chapter can voluntarily make emission reductions and thereby earn marketable NOx allowances for use in the EPA's NOx Budget Trading Program.~~
- ~~(2) — Terms used in this rule shall have the meanings given in Rule .06 of this chapter, Rule .02 of this chapter, and other rules of Division 1200-03, in this order of precedence.~~
- ~~(3) — Any owner or operator of a stationary source may submit to the Technical Secretary a NOx emission reduction proposal, as described in paragraph (6) below, for reducing NOx emissions during control periods, if each emission unit from which NOx reductions at the source will be obtained meets the following criteria at the time a NOx emission reduction proposal is submitted and during each control period thereafter for which creditable emission reductions are claimed:~~
- ~~(a) — Discharges NOx emissions through a stack;~~
- ~~(b) — Is fossil fuel fired;~~
- ~~(c) — Has a major source operating permit issued under Chapter 1200-03-09-.02 or a comparable local program rule;~~
- ~~(d) — Is not subject to the requirements of Rule .06 of this chapter, including opt-in units;~~
- ~~(e) — Is in compliance with all NOx emission requirements applicable to the source and unit so that any NOx reductions made pursuant to this rule are surplus to those requirements;~~

- ~~(f) Installed or implemented a NOx emission control strategy after July 1, 2002;~~
- ~~(g) Conducted an emission baseline determination using the protocol described in paragraph (5) below prior to initiating the NOx emission control strategy;~~
- ~~(h) Makes emission reductions that are not the result of shutting down; and~~
- ~~(i) Is not an IC engine that according to EPA's final NOx SIP Call inventory had actual average daily NOx emissions of one ton or more during the five-month period May 1 through September 30, 1995.~~
- ~~(4) Any owner or operator of an eligible unit may participate by:~~
 - ~~(a) Submitting a NOx emission reduction proposal in accordance with paragraph (6) below;~~
 - ~~(b) Making NOx emission reductions during a control period that are federally enforceable, quantifiable, and surplus to regulatory requirements; and~~
 - ~~(c) Submitting a quantification report, in accordance with paragraph (7) below, after any control period for which creditable reductions are claimed.~~
- ~~(5) Emission reductions made at a participating unit shall be quantified using an emission reduction quantification protocol approved by the EPA or approved by the Technical Secretary and submitted to EPA for approval. The emissions measurements recorded and reported in accordance with this protocol shall be used to determine the emission reductions made by the source under this rule and eligible to be issued as allowances for use in the EPA's NOx Budget Trading Program. Each participating unit shall comply with the applicable monitoring requirements prescribed by the approved protocol.~~
- ~~(6) Each NOx emission reduction proposal shall contain the elements and be processed as follows:~~
 - ~~(a) Each NOx emission reduction proposal shall include the following:~~
 - ~~1. Information identifying each emission reduction unit from which NOx emission reductions have been or will be achieved, including the name, location, operating permit number, and identification number of the source and unit;~~
 - ~~2. Description of the NOx controls present on the unit prior to making emission reductions;~~
 - ~~3. Explanation of the methods used to achieve the NOx emission reductions;~~
 - ~~4. Identification of the emission reduction quantification protocol, approved by the EPA or approved by the Technical Secretary and submitted to EPA for approval, that will be used to calculate the proposed emission reductions; and~~
 - ~~5. Emissions baseline determination for each unit made in accordance with the approved protocol described in paragraph (5) above.~~
 - ~~(b) The Technical Secretary shall notify in writing the owner or operator submitting a NOx emission reduction proposal of his decision with respect to the proposal. If the Technical Secretary disapproves a proposal, this written notice shall include a statement of the specific reasons for the disapproval of the proposal. Following such a disapproval the owner or operator may submit an amended or a different NOx emissions reduction proposal for the unit.~~
- ~~(7) Each NOx emission reduction quantification report shall be submitted and processed as follows:~~
 - ~~(a) By October 30 following the control period during which the emission reductions were made, the owner or operator of the participating unit must submit a quantification report to the Technical Secretary stating the reductions achieved during the control period.~~
 - ~~(b) The quantification report shall include the following:~~

- ~~1. The amount in tons of the NO_x emission reductions made during the control season, calculated based on the approved quantification protocol and including supporting calculations and documentation;~~
 - ~~2. Certification by the owner or operator that the NO_x reductions achieved during the control period were calculated based on the approved protocol; and~~
 - ~~3. A written statement signed by the owner or operator certifying the following: Based on information and belief formed after reasonable inquiry, I believe the statements and information in this document are true, accurate and complete.~~
- ~~(c) The Technical Secretary shall review the quantification report and either approve the emission reductions as being in accordance with the quantification protocol or disapprove them. If they are approved, the Technical Secretary shall notify the EPA of such approval in accordance with paragraph (8) below. If they are disapproved, the Technical Secretary shall notify the source in writing and shall state the specific reasons for the disapproval. The source may rectify the deficiencies in its quantification report and submit an amended report.~~
- ~~(8) Upon approval of a quantification report, the Technical Secretary shall notify the EPA of the number of allowances to be transferred from the state's general account into an account of the source or its designee for use in the federal NO_x Budget Trading Program. The total number of allowances to be transferred shall be ninety percent (90%) of the creditable NO_x emission reductions achieved by the unit. The remaining ten percent (10%) shall be retired by the state. The Administrator shall record the transfer.~~
- ~~(9) Each NO_x allowance issued for NO_x emission reductions meeting the requirements of this rule is an authorization to emit one ton of NO_x in accordance with the federal NO_x Budget Trading Program.~~
- ~~(10) Within 90 days after the NO_x allowance transfer deadline for the NO_x Budget Trading Program, the Technical Secretary shall provide the Administrator a report reconciling the allowances transferred for the purpose of this rule, including:~~
- ~~(a) The number of allowances deposited into the state's general account for the control period immediately preceding such deadline;~~
 - ~~(b) The number of allowances earned by sources pursuant to this rule; and~~
 - ~~(c) The number of unused allowances, which shall be retired.~~
- ~~(11) The owner or operator of a source submitting a quantification report that contains an error that affects an allocation must notify the Technical Secretary in writing within 30 days of the error.~~
- ~~(12) If the owner or operator of a unit has submitted a quantification report that incorrectly overstated the amount of emission reductions achieved and, as a result of this report, allowances in excess of those that should have been have been transferred from the state's general account were transferred into another account for use in the federal NO_x Budget Trading Program, the owner or operator shall place into the state's general account an amount of allowances equal to three times the amount of the overstatement within 30 days of discovery of the overstatement by the owner or operator.~~
- ~~(13) The owner or operator of a source, or its designee, shall maintain all records used to calculate the emission reductions in accordance with the quantification protocol. Each record shall be maintained for five (5) years following the date the record is created and shall be made available for inspection by the Technical Secretary or his representative immediately upon request.~~
- ~~(14) After the third control period this program has been in effect, and every three years thereafter, the Technical Secretary shall evaluate the program and submit a report to the board, summarizing the results of the evaluation.~~

* 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					
Kyle Etheridge Representative of Tennessee Industry					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Dr. Chunrong Jia Environmental Interests					
Ken Moore Working in Municipal Government					
Stephen Moore Working for Industry with technical experience					
Nicholas Ramos Conservation Interest					
Amy Spann, PE Registered Professional Engineer					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					

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 08/14/2024 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: 04/11/2024

Rulemaking Hearing(s) Conducted on: (add more dates). 06/05/2024

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-07, 1200-03-25, 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.

Jonathan Skrmetti
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

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Board did not receive any comments during the public comment period.

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.

No small businesses will be impacted by the repeal of these rules. Each rule was identified through the retrospective rule review process as being out-of-date, redundant, or not applied in practice.

- (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.

There are no reporting, recordkeeping, or other administrative costs resulting from this rulemaking.

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

No small businesses or consumers will be impacted by this rulemaking.

- (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 the least burdensome, intrusive, or costly way to achieve the stated purpose.

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

The Department is not aware of state or federal counterparts for this rulemaking.

- (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.

No small businesses will be impacted by this rulemaking.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The Board anticipates that this rule will not result in an increase in expenditures or a decrease in revenues for 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;

The Air Pollution Control Board (Board) is repealing rules that were identified through the retrospective rule review as out-of-date, redundant, or as superseded by more recent federal regulations as follows:

- Rule 1200-03-07-.06 is repealed, because the designation of new stationary source standards by the Environmental Protection Agency is covered by the incorporation by reference of federal standards in Chapter 0400-30-39.
- Chapter 1200-03-25 is repealed because the rules in the chapter have been superseded by current federal regulations. 40 C.F.R. part 60 subpart Ec (Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators) came into effect in 1997 and has been updated several times beginning in 2009; it applies to each individual hospital/medical/infectious waste incinerator (HMIWI) for which construction is commenced after December 1, 2008 or for which modification is commenced after April 6, 2010. Chapter 1200-03-25 has not been updated since 1988, so has been superseded by this updated federal standard.
- Rule 1200-03-27-.07 is repealed because the Voluntary NOx Emissions Reduction Program described by this rule is not implemented by the Department and has not been used by the regulated community.

- (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;

No federal or state law or regulation mandates promulgation of this rulemaking.

- (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;

No public comments were received in response to the rulemaking hearing notice. Because the rules proposed for repeal are out-of-date, redundant, or superseded by more recent federal regulations, no specific person, organization, corporation or government entity is expected to reject the adoption of the rule.

- (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 this 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;

The Board anticipates that this rule will not result in an increase in expenditures or a decrease in revenues for state or local governments.

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

Michelle Oakes
Division of Air Pollution Control
Davy Crockett Tower, Floor 7
500 James Robertson Parkway
Nashville, Tennessee 37243
Michelle.Oakes@tn.gov

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

Blair Beaty
Legislative Director
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
Davy Crockett Tower, Floor 5
500 James Robertson Parkway
Nashville, Tennessee 37243
(615) 253-5339
Blair.Beaty@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 Air Pollution Control Board is repealing rules that were identified through the retrospective rule review as either redundant, outdated and superseded, or not applied in practice.
- (2) A determination that the action is the least-cost method for achieving the stated purpose.

This rulemaking is the least-cost method for achieving the stated purpose.
- (3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking enables the Board to eliminate rules that are redundant, outdated and superseded, or not applied in practice.
- (4) A determination that the action represents the most efficient allocation of public and private resources.

This rulemaking is an efficient allocation of public and private resources.
- (5) A determination of the effect of the action on competition.

This rulemaking will not impact competition.
- (6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

This rulemaking will not impact the cost of living in any geographic area.
- (7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

This rulemaking will not impact employment in any geographic area.
- (8) The source of revenue to be used for the action.

This rulemaking is being accomplished with existing revenue.
- (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 rulemaking is being accomplished with existing revenue.



Department of
**Environment &
Conservation**

Ambient Air Quality Standards Rule Revision

Ambient Air Quality Standards

- EPA has set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants
 - Particulate Matter (PM_{2.5}, PM₁₀)
 - Sulfur Dioxide (SO₂)
 - Carbon Monoxide (CO)
 - Ozone (O₃)
 - Nitrogen Dioxide (NO₂)
 - Lead (Pb)

Ambient Air Quality Standards

- Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly
- Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings

Ambient Air Quality Standards

- Currently, state ambient air quality standards are not up-to-date
- TDEC proposes to update the state standards so that they match the current federal NAAQS

Ambient Air Quality Standards

- Currently state standards in 1200-03-03
- Proposing to move entire chapter to 0400-30-03

Particulate Matter (PM_{2.5}) Standard

- Primary Standard
 - 9 µg/m³ (annual)
 - 35 µg/m³ (24-hour)
- Secondary Standard
 - 15 µg/m³ (annual)
 - 35 µg/m³ (24-hour)

Particulate Matter (PM₁₀) Standard

- Primary and Secondary Standard
 - 150 µg/m³ (24-hour)

Sulfur Dioxide (SO₂) Standard

- Primary Standard
 - 75 ppb (1-hour)
- Secondary Standard
 - 0.5 ppm (3-hour)

Carbon Monoxide (CO) Standard

- Primary Standard
 - 9 ppm (8-hour)
 - 35 ppm (1-hour)

Ozone (O₃) Standard

- Primary and Secondary Standards
 - 70 ppb (maximum daily 8-hour average)

Nitrogen Dioxide (NO₂) Standard

- Primary Standard
 - 53 ppb (annual)
 - 100 ppb (1-hour)
- Secondary Standard
 - 53 ppb (annual)

Lead (Pb) Standard

- Primary and Secondary Standard
 - 0.15 $\mu\text{g}/\text{m}^3$ (arithmetic mean concentration over a 3-month period)

NAAQS Review

- Periodically, EPA reviews the NAAQS
- Currently, EPA is conducting a NAAQS review for Lead and Nitrogen Dioxide

Gaseous Fluorides (HF)

- Secondary Standards in 1200-03-03-.03(b)
 - Retaining these standards
- Secondary Standards in 1200-03-03-.03(d)
 - Specifically for Primary Aluminum Reduction Plants in operation before December 31, 1973, which have since ceased operation
 - Thus, these standards do not apply to any facility
 - Repealing these standards

Schedule

Event	Date
1 st Board Briefing	October 2022
Public Notice	August 22, 2024
2 nd Board Briefing	September 11, 2024
Public Hearing	October 30, 2024
TDEC OGC Review	Nov-Dec 2024
Board Vote	January 2025
Governor's Office Review	March 2025
Attorney General Review	April 2025
Rule Becomes State Effective	July 2025

Questions

Mark A. Reynolds

Environmental Consultant

Tennessee Department of Environment and Conservation

Division of Air Pollution Control

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(615) 532-0559

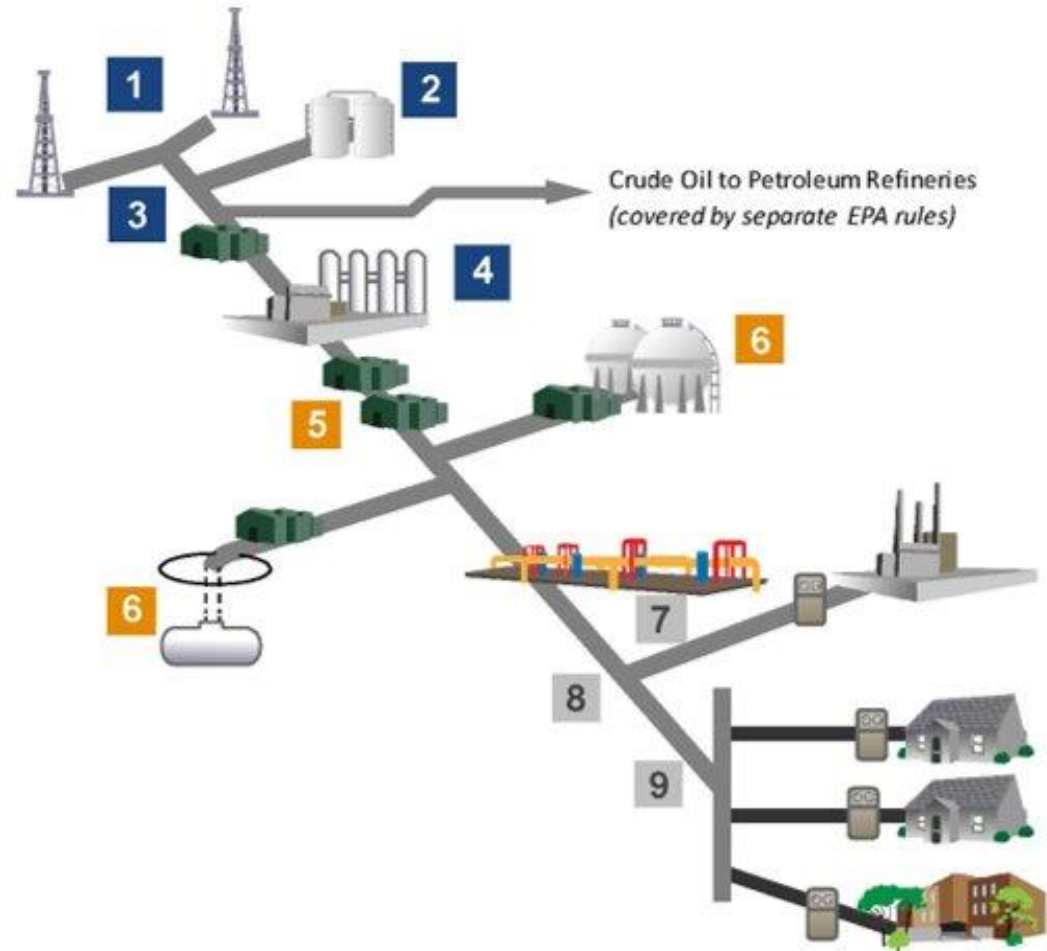


Implementing the Oil & Gas Rule in TN

Tennessee Dept of Environment and Conservation
Division of Air Pollution Control
Michelle Oakes, Ph.D.

Oil and Gas Methane Rule Basics

- Published in the FR on March 8, 2024
- Covers oil & natural gas production, processing, transmission, and storage – not distribution
- Targets methane, volatile organic compounds (VOCs), air toxics
- New public participation requirements before rulemaking
 - Meaningful Engagement
- Ongoing litigation
 - Motion to Stay Denied

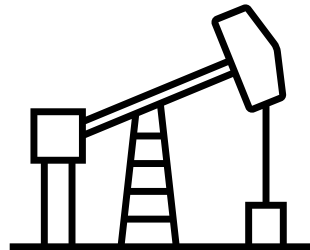
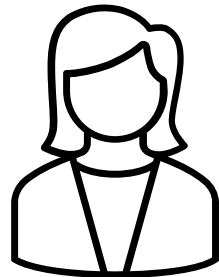


NSPS and Emission Guidelines for this Rule

- New Sources: New Source Performance Standard (NSPS)
 - Establish technology-based standards for pollutant emissions
 - Sources constructed, modified, or reconstructed after December 6, 2022
- Existing Sources: Emission guidelines
 - Sources constructed on or before December 6, 2022
 - Requires states to submit a **State Plan**, which is due March 9, 2026

Required Elements of a State Plan

- State Rule (performance standards, monitoring, etc.)
- Compliance Schedule
- Meaningful Engagement with stakeholders, public notice, and public hearing

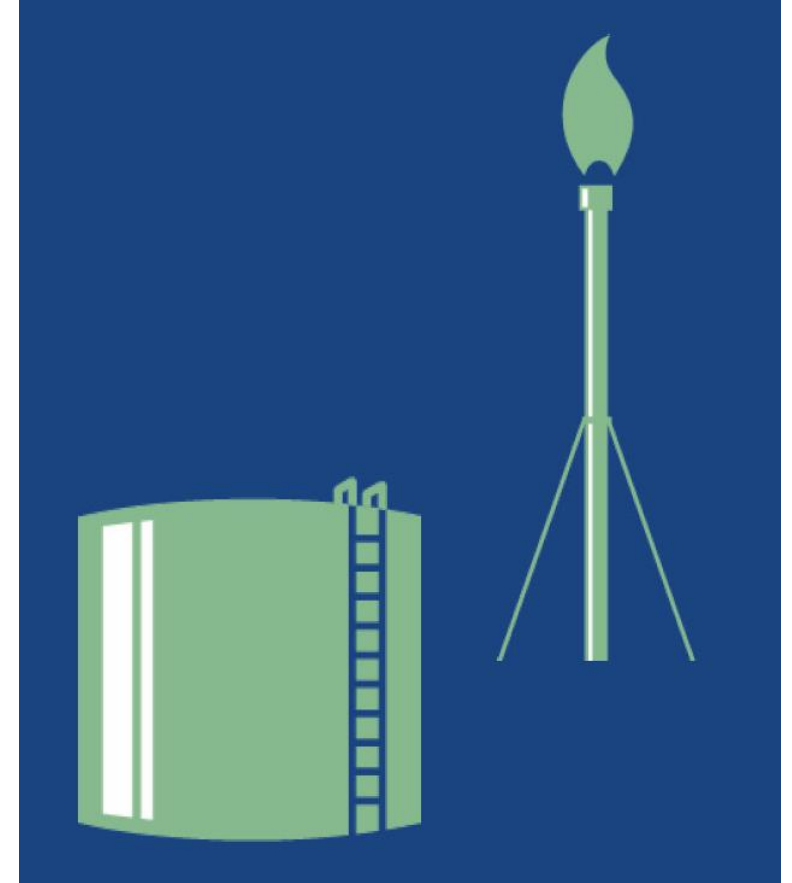


EPA's Model Rule

- EPA promulgated a Model Rule with presumptive standards.
- The Model Rule can be adopted by states to use as their State Rule for existing sources.
- The Model Rule is intended to be used as a starting point for states as they develop standards for their plans.
- ***Tennessee is evaluating the Model Rule to see if it is appropriate for our state***
- Final adopted rule must be at least as stringent as the Model Rule.

EPA's Model Rule - Presumptive Standards

- Routine monitoring for methane leaks
 - Repairs required when leaks found
- Eliminate or minimize emissions from production sites, pumps, process controllers, centrifugal compressors, and storage tanks
- Limited use of flaring



Affected Sources in Tennessee (TN)



Oil Production



Natural Gas Production



Natural Gas Processing



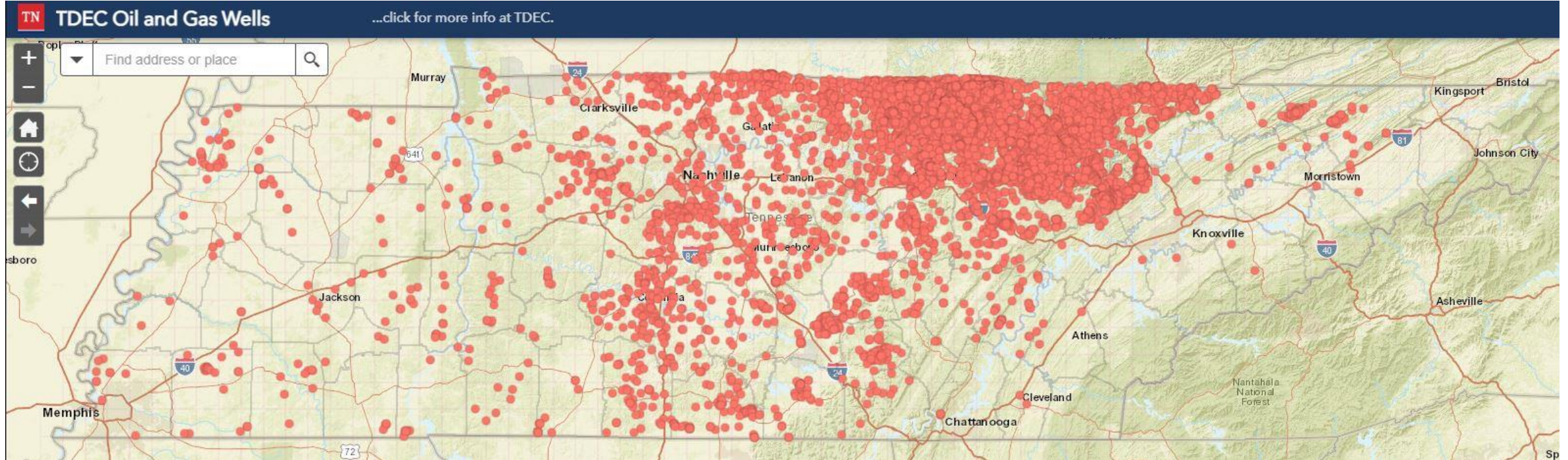
Storage Tanks



Natural Gas Compressors

Oil and Natural Gas Production in TN

- Oil Production: Primarily in NE Middle Tennessee
- NG Production: Primarily in East TN, outside of Knoxville



Map includes wells permitted over time, not indicative of active wells

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Oil and Natural Gas Production in TN

- TN is a small producing state
 - Oil: Majority of wells < 1 bbl/day
 - NG: Majority of wells < 10 mcf/day
- Commercial well operators
 - Most are small operations for oil
 - ~950 active wells as of 2022
 - But some larger companies for NG
 - ~900 active wells as of 2022
- Domestic well NG operators
 - ~800 domestic operators

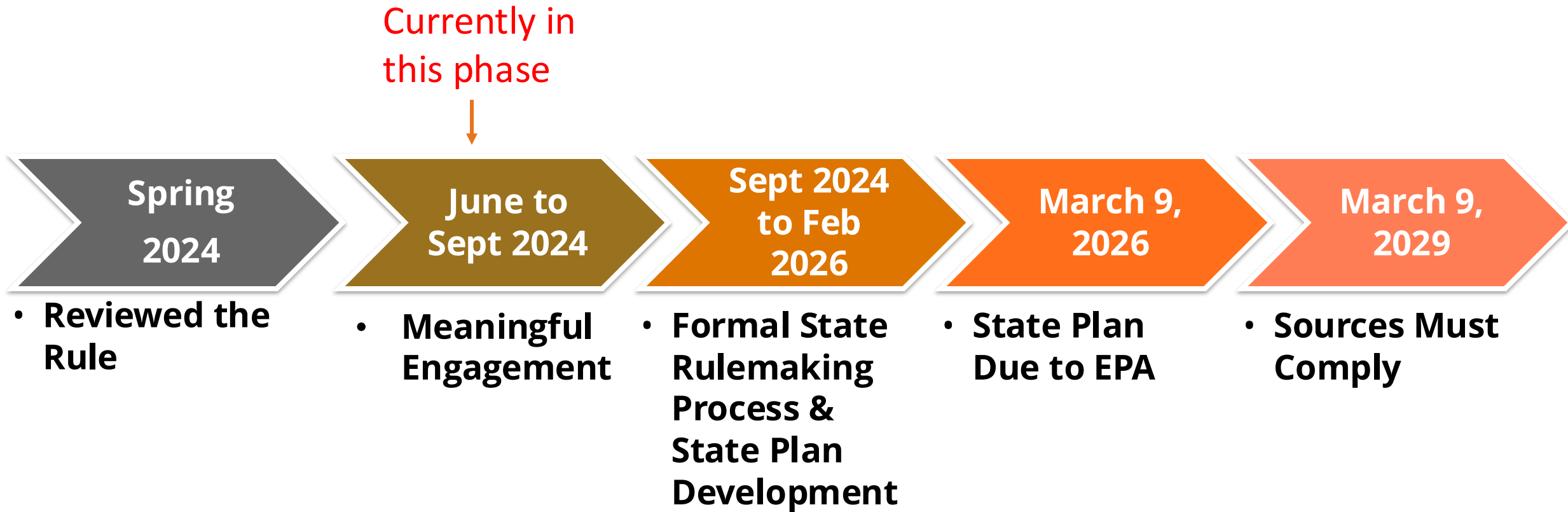
Duncan Drilling
2022 production: ~0.06 bbls/day



Domestic NG well



Timeline for O&G Implementation in TN



Meaningful Engagement: Resources and Meetings

- Oil & Gas Website and Comment Card
- Meaningful Engagement Activities to date
 - In-person meeting (Affected Communities)
 - Virtual meeting (Local Programs, breakout sessions)
 - One-on-One Meetings



Meaningful Engagement: Field Site Visits

- Oil and gas well site visits
- General thoughts:
 - Gas production sites are generally ahead of the game with compliance
 - While, oil production sites will encounter significant challenges



Compliance Issues Observed during Visits



Tank Storage and Oil Production

- Direct Venting, fugitive emissions
- No Control Measures
- No Methane Emissions data

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Compliance Examples Observed during Visits



Oil Production Site

- Powering Generator with Associated Gas
- ***But***, still venting

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Natural Gas Production Site

- Active Leak Detection and Repair

Key Challenges Identified during Meaningful Engagement

- Associated Gas from Oil Production Sites
 - Many oil wells are directly venting associated gas to atmosphere
- Lack of Infrastructure
- Well closure requirements (i.e., plugging requirements)
- Domestic operator requirements

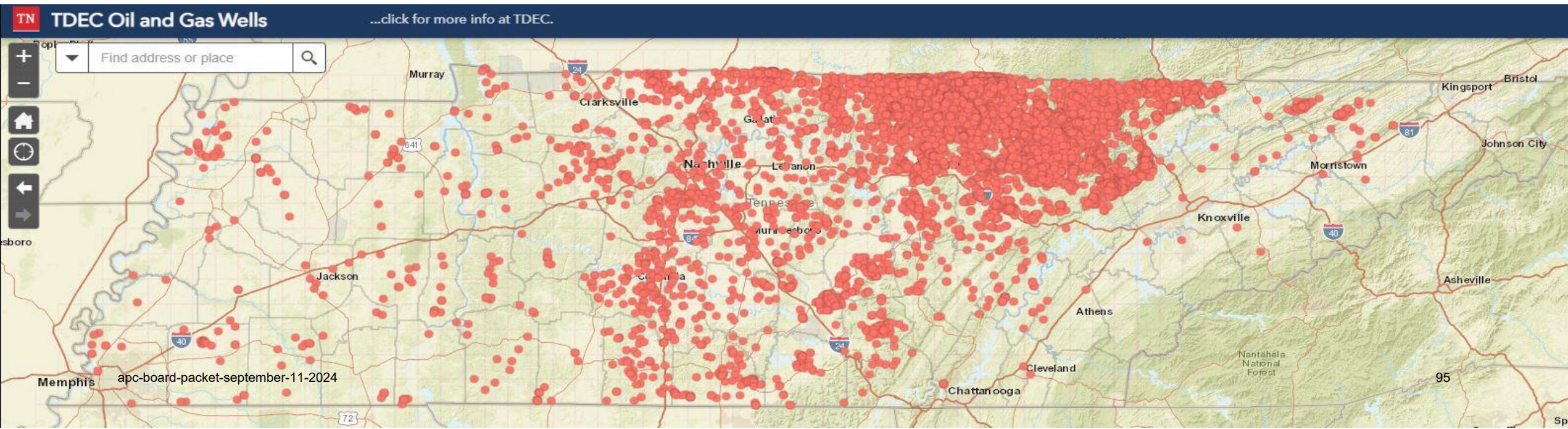
What's Next for Implementing this Rule in Tennessee?

- Considering adopting EPA's Model Rule with modifications to reflect TN's operations and compliance challenges.
- Exploring compliance options for certain operations that will face technical or economical challenges complying with the rule.

Possible Paths for Permitting Wells

Oil and Natural Gas Wells

- Considering various options
- Permit-by-Rule vs. General Permits
 - Pros and cons to each approach



Possible Paths for Permitting Transmission Sources

Transmission Sources (e.g., Natural Gas Compressor Stations)

- Historically regulated by TDEC APC
- Individual permit, tailored to the facility
- New requirements will be phased in depending on major vs minor source.



Summary

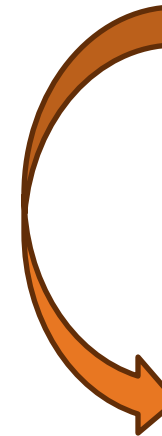
- Meaningful Engagement has been useful for gaining perspective on customization of our state rule and plan for compliance success in TN.
 - Long road ahead of us: several compliance nuances
- Certain sources (oil wells and domestic well operators) will likely face huge challenges with compliance and will need to consider compliance flexibilities.
- Working closely with stakeholders and EPA to develop the rule and plan for TN.

Thank you & Comment Card



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Scan with Phone
Camera for Online
Comment Card



Michelle Oakes, Ph.D.
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TN Dept of Environment and Conservation
Division of Air Pollution Control
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Michelle.oakes@tn.gov



Contact Info