TENTATIVE AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
Davy Crockett Tower, First Floor
Conference Room 1-A
500 James Robertson Parkway
Nashville, TN 37243-0582
In Person and
Remote Access Via WebEx link
https://tn.webex.com/tn/j.php?MTID=m6e9eb2446e48997d368ccd113aed8545
Wednesday, January 08, 2025
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.	Elect Vice Chair for 2025		
2.	Roll Call		
3.	Approval of the September 11, 2024, Board Meeting Minutes		03
4.	Conflict of Interest 2025	Grant Ruhl	07
5.	Title V Base Fee and Board Variance Requests for Air Curtain Incinerators (ACIs)	James Johnston	13
6.	Charles Blalock & Sons Inc. Title Five Fee Variance Petition BO# 25-001 **Comments from the Public or Online Participants**	James Johnston	22
7.	Rice Enterprises LLC. Title Five Fee Variance Petition BO# 25-002 **Comments from the Public or Online Participants**	James Johnston	27
8.	Sevier Wood, Waste & Recycling LLC. Title Five Fee Variance Petition BO# 25-003 **Comments from the Public or Online Participants**	James Johnston	31
9.	Venture Contracting, Inc. Title Five Fee Variance Petition BO# 25-004 **Comments from the Public or Online Participants**	James Johnston	36

10.	Universal Environmental Services LLC. Title Five Fee Variance Petition BO# 25-005 **Comments from the Public or Online Participants**	James Johnston	40
11.	2025-0108 BAE Variance BO# 25-006 **Comments from the Public or Online Participants**	Travis Blake	45
12.	2025-0108 BAE Variance BO# 25-007 **Comments from the Public or Online Participants**	Travis Blake	47
13.	2025-0108 BAE Variance BO# 25-008 **Comments from the Public or Online Participants**	Travis Blake	49
14.	Bristol Area Second 10-Year Lead Maintenance Plan BO# 25-009 **Comments from the Public or Online Participants**	Michelle Oakes	51
	General Business: 1. Kingsport SO2 Redesignation/Maintenance Plan	Travis Blake	115
	2. Annual Update to Incorporation by Reference for NSPS and NESHAP Incorp by Reference	Mark A. Reynolds	127
	3. Regional Haze Progress Report	Mark A. Reynolds	138
	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.

This agenda is subject to change. For the latest board agenda, please contact: Donna F. Brown (615) 981-3436 or donna.f.brown@tn.gov (Email is preferred for prompt reply)

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday September 11, 2024, at 9:44 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-B. The following Board members were physically present.

Dr. Ronne' Adkins
Dr. John Benitez
Mr. Kyle Etheridge
Mr. Mike Haverstick
Mayor Ken Moore
Mr. Stephen Moore
Mr. Nicholas Ramos
Mayor Larry Waters
Mr. Jimmy West

The following Board members joined the meeting via WebEx.

Dr. Joshua Fu
Dr. Chunrong Jia

The following Board members were absent:

Mr. Shawn Hawkins
Ms. Caitlyn Roberts
Ms. Amy Spann

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	Absent
Dr. Jia	WebEx	Mayor Moore	Present
Mr. Moore	Present	Ms. Roberts	Absent
Mr. Ramos	Present	Ms. Spann	Absent

Mayor Waters	Present	Mr. West	Present

Nine (9) Board members were present, two (2) participated via WebEx and three (3) were absent.

The next item on the agenda was the approval of the minutes from the July 10, 2024, Board meeting. The Vice-Chairman requested a motion to approve the minutes. Mayor Moore made a motion to approve the minutes and Mr. Etheridge 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	Absent
Dr. Jia	Yes	Mayor Moore	Yes
Mr. Moore	Abstain	Ms. Roberts	Absent
Mr. Ramos	Yes	Ms. Spann	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Ten (10) affirmative votes; the minutes were approved as presented.

Mayor Waters then invited Mr. Marc Corrigan to the podium.

Mr. Marc Corrigan presented the Knox County Regulatory Revisions, 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). 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.

The Vice-Chairman requested a motion to approve the Knox County Regulatory Revisions. 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	Absent
Dr. Jia	Yes	Mayor Moore	Yes
Mr. Moore	Yes	Ms. Roberts	Absent
Mr. Ramos	Yes	Ms. Spann	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Eleven (11) affirmative votes; the Knox County Regulatory Revisions were approved.

Mayor Waters invited Ms. Michelle Oakes to the podium.

Ms. Oakes presented the Retrospective Rule Review Repeal.

The Air Pollution Control Board reviewed the 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.

The Vice-Chairman requested a motion to approve the Retrospective Rule Review Repeal. Mayor Moore made a motion to approve, and Mr. Moore 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	Absent
Dr. Jia	Yes	Mayor Moore	Yes
Mr. Moore	Yes	Ms. Roberts	Absent
Mr. Ramos	Yes	Ms. Spann	Absent
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Eleven (11) affirmative votes; the Retrospective Rule Review Repeal was approved.

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

Ms. Oakes presented the Oil and Gas Rule in Tennessee to the board. The NSPS and Emission guidelines for this rule cover oil and natural gas production, processing, transmission, and storage constructed on or before December 6, 2022. The Oil and Gas Rule establish technology-based standards for pollutant emissions such as methane, volatile organic compounds (VOCs), and air toxics.
The EPA promulgated a Model Rule with presumptive standards. The Model Rule is intended to be used as a starting point for the 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. Tennessee is required to submit a State Plan, which is due March 09, 2026.

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 10:38 am.

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

Approved at Nashville, Tennessee on January 08, 2025.

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

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

TENNESSEE AIR POLLUTION CONTROL BOARD

Disclosure of Financial Interests or Other Potential Conflicts of Interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Name of Source(s): _____

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

_____

_____

_____

_____

_____

_____

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

_____ _____

Signature of Board Member Date

_____

Please Print Name

TENNESSEE AIR POLLUTION CONTROL BOARD

Acknowledgement -

Policy of Ethics and Conflicts of Interest Rule

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

_____

Signature of Board Member

_____

Please Print Name

_____

Date

TENNESSEE AIR POLLUTION CONTROL BOARD

Board Member Determination - Representing the Public Interest

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

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

I do (__) / I do not (__):

Own a controlling interest in;

Have 5% or more of capital invested in;

Serve as an attorney for;

Act as a consultant for;

Serve as an officer or director of; or

Hold any other official or contractual relationship with :

(1) Either a person subject to permits or enforcement orders under this rule division, 0400-30- or rule division 1200-03**; or

(2) Any trade or business association of which such person is a member.

_____ _____

Signature of Board Member Date

_____

Please Print Name

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

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

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

Department of Environment & Conservation

Title V Base Fee and Board Variance Requests for Air Curtain Incinerators (ACIs)

January 8, 2024

What is an Air Curtain Incinerator

- Refractory-lined combustion chamber equipped with a blower that creates a curtain of air over the firebox.
- Particles of smoke rising from the hot gasses of the fire are trapped under the air curtain thus increasing combustion efficiency and lowering emissions.
- Also known as Air Curtain Destructor

Federal Rules that Apply to Air Curtain Incinerators

- Standards of Performance for Small Municipal Waste Combustion Units
  - 40 CFR 60 Subpart AAAA
- Standards of Performance for Commercial and Industrial Solid Waste Incineration Units
  - 40 CFR 60 Subpart CCCC
  - aka CISWI
- Standards of Performance for Other Solid Waste Incineration Units
  - 40 CFR 60 Subpart EEEE
  - aka OSWI

Federal Requirements for Air Curtain Incinerators

- Limits on Type of Waste Burned
- Opacity Limits
  - 35% Opacity During Startup
  - 10% Opacity at All Other Times
- Opacity Tests
  - Initial
  - Every 12-Months
- Title V Permits
  - Subparts AAAA and EEEE Do Not Require a Title V Permit
  - Subpart CCCC Required a Title V Permit

Annual Title V Fee for ACIs

- Title V Fee (effective 2025) = $/ton Fee + Base Fee + Modification Fee
- Permitted Tons – 17.77 to 53.66 tons/year
  - 17.77 tons/year x $48.50/ton = $1097/year
  - 53.66 tons/year x $48.50/ton = $2603/year
- Base Fee
  - One Applicable Federal Standard – 40 C.F.R. Subpart CCCC
  - $15,000/year
- Title V Modification Fee
  - Usually Zero for ACIs
- Annual Title V Fee
  - Low of $1097 + $15,000 = $16,097/year
  - High of $2603 + $15,000 = $17,603/year

Air Curtain Incinerators vs. Traditional Title V Facilities

- Air Curtain Incinerators
  - Single, Simple Source compared to Many, Complex Sources
  - Not Major Source of Emissions
  - Title V Permit Required because of Provision in 40 CFR 60 Subpart CCCC
  - Many are Owned and Operated by Small Businesses
- Traditional Title V Facility
  - Multiple Complex Sources
  - Major Source of Emissions
  - Title V Permit Required because Facility is a Major Source
  - Most are Large Businesses/Corporations

Rationale for Lower Base Fee

- Division Received Feedback from Air Curtain Incinerator Operators that Title V Fee Will Cause Financial Hardship
- Division of Air Pollution Control has Estimated Cost of Implementing and Enforcing a Title V Permit for an ACI
  - Includes:
    - Observing Visible Emission Tests and Reviewing Test Reports
    - Inspections
    - Title V Report Reviews
    - Complaint Investigations
  - About $3600 per Year
    - Does not include any indirect costs of the Division

Board Variances

- Provided by T.C.A. 68-201-118
  - Highlights/Summary:
    - Must be Filed with Technical Secretary of Air Pollution Control Board
    - Technical Secretary will Provide Recommendation to Air Pollution Control Board
    - Good for One Year
    - May be Extended One Year at a Time
- Division of Air Pollution Control worked with OGC to Develop Template for Board Variances
  - Reduce Base Fee from $15000 to $3000
  - All other Title V Fees ($/ton fee and modification fee) remain unchanged

Variances Submitted

- Variance Petitions Filed by:
  - Charles Blalock & Sons, Inc., Sevierville
  - Rice Enterprises, LLC, Tullahoma
  - Sevier Wood Waste & Recycling, LLC, Sevierville
  - Venture Contracting, Inc., Sevierville
  - Universal Environmental Services, LLC, Morristown

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
CHARLES BLALOCK & SONS, INC.	)	ORDER NO: 25-001
	)	
VARIANCE REQUEST	)	

BOARD ORDER

On December 5, 2024, Charles Blalock & Sons, Inc. (Petitioner) petitioned this Board for a variance from the requirements of Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). Specifically, Petitioner requests a reduction of $12,000 from the base fee portion ($15,000) of its Title V annual emission fee, resulting in a reduced annual base fee of $3,000.

TAPCR subpart 1200-03-26-.02(9)(d)1(iii) reads, in pertinent part:

The base fee is determined in accordance with the following table:

Number of federal air quality standards	Base Fee
0	$10,000
1	$15,000
2 to 3	$20,000
4 to 5	$30,000
6 to 10	$40,000
11 to 20	$50,000
21 and up	$75,000

The Petitioner requested this variance because 40 C.F.R. 60 Subpart CCCC, Commercial and Industrial Solid Waste Incinerators, requires it to obtain a Title V permit to operate an air curtain incinerator (ACI). The allowable emissions from this facility are significantly below the standard Title V major source thresholds of 100 tons per year (TPY) of criteria pollutants, 10 TPY of a single hazardous air pollutant, and 25 TPY of a combination of hazardous air pollutants. Additionally, Petitioner's ACI is subject only to minor requirements under the federal rule. EPA recently removed the requirement for certain ACIs to obtain Title V permits, but these rule changes did not cover the type of ACI operated by the Petitioner.

The Technical Secretary recommends granting this request for the following reasons:

The higher Title V annual emission fee potentially makes operation of the ACI economically infeasible. Without this variance, Petitioner has stated that the use of the ACI will be commercially unviable compared to less environmentally sound methods such as open burning or disposal of material in a landfill.

Granting this request will not result in any injury to public health, general welfare, or physical property.

Petitioner employs approximately 700 people in the Sevier County, TN area. Its annual contribution to the local economy is approximately $200,000,000 per year, and the Petitioner makes annual contributions of approximately $300,000 to many local charitable and educational agencies and organizations.

The ACI is located in a moderately populated area suitable for operation of an ACI.

Granting this request will not result in increased air contaminant emissions. Denying the request could lead to increased emissions if Petitioner ceases operation of the ACI in favor of other disposal methods such as open burning.

Petitioner requests a reduced Title V annual emission fee so that operating the ACI is economically feasible.

Petitioner does not seek to avoid compliance with any applicable law or regulation, seeking only a reduced Title V annual emission fee. Petitioner will continue to comply with the requirements of the applicable regulations.

Therefore, upon recommendation of the Technical Secretary, this Board grants Charles Blalock & Sons, Inc. a partial variance from the requirements found in subpart 1200-03-26-.02(9)(d)1(iii) of the Tennessee Air Pollution Control Regulations with regard to payment of Title V annual emission fees Specifically, Petitioner will be assessed a Title V base fee of $3,000 rather than the $15,000 base fee which would otherwise apply. Issuance of this variance does not negate the requirement to pay Title V annual emission fees.

This variance is effective from January 8, 2025, through January 7, 2026.

Approved on January 8, 2025, by the board members as follow:

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

Attachment: December 5, 2024, Variance Request

Sevierville 865-453-2808

Knoxville 865 546-2641

P.O. BOX 4750 • SEVIERVILLE, TENNESSEE 37864-4750

December 5, 2024

Michelle Walker Owenby, Technical Secretary
Air Pollution Control Board
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243

Re: Charles Blalock & Sons, Inc.
Howard Drive
78-0413
Petition for Variance from Title V Permit Base Fees

To the Technical Secretary:

Pursuant to Tennessee Code Annotated section 68-201-118, Charles Blalock & Sons, Inc. ("Petitioner") respectfully petitions the Tennessee Air Pollution Control Board (the "Board") for a variance in connection with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). For the reasons set forth below, Petitioner requests a reduction of **$12,000.00** from the Base Fee portion of its Title V Annual Emission Fee, as required by TAPCR 1200-03-26-.02(9)(d)1(iii), resulting in a reduced base emission fee of **$3,000.00.** This petition does not request any changes to the emission fee portion of the Title V Annual Fee as required by TAPCR 1200-03-26-.02(9)(d)2(iii) or the Title V modification fee portion of the Title V Annual Fee, if applicable, as required by TAPCR 1200-03-26-.02(9)(d)4.

Petitioner operates an air curtain incinerator ("ACI") located in Sevierville, Tennessee, which is subject to standards of performance set forth in Subpart CCCC of 40 C.F.R. part 60. While EPA recently removed the requirement for certain ACIs to obtain Title V permits, this rule change did not cover the type of ACI operated by the Petitioner. Therefore, EPA's Commercial and Industrial Solid Waste Incinerator ("CISWI") rules promulgated under Clean Air Act section 129 require Tennessee to permit Petitioner's ACI as a major source required to obtain a Title V permit, subject to applicable Title V annual emission fees.

Petitioner understands that under Tennessee Code Annotated section 68-201-106, there are certain matters to be considered by the Board when exercising its powers to grant a variance. Petitioner provides the following information in consideration of those matters.

1. **Character and Degree of Injury to, or Interference with, the Protection of the Health, General Welfare, and Physical Property of the People**

   Granting Petitioner's fee variance request will not result in any injury to public health, general welfare, or physical property because there is no request to waive an emissions limitation or standard. Petitioner only requests a reduced Title V Annual Emission Fee, because the recently

increased Title V Annual Emission base fee of $15,000 (for sources subject to one federal air quality standard) makes operation of its ACI economically infeasible.

Requiring Petitioner to pay the full Title V Annual Emission base fee makes use of its ACI commercially unviable compared to less environmentally sound methods, such as open burning or landfilling. Granting Petitioner's request would allow it to continue operating its ACI in compliance with its permit to dispose of allowed materials in an environmentally sound manner that promotes public health and general welfare.

2. **Social and Economic Value of the Air Contaminant Source**

Petitioner employs 700 people in the Sevier County, Tennessee area. Its annual contribution to the local economy is approximately $200,000,000 per year. In addition, Petitioner contributes approximately $300,000, annually, to multiple agencies or organizations, including:

All local schools

All local Fire Departments

American Cancer Society

Area 33 Special Olympics

Cure Finders

Friends of the Smokies

Fellowship of Christian Athletes

Junior Diabetes Research Foundation

Keep Sevier Beautiful

Robert F Thomas Foundation

Sevier County Partners in Progress

Smoky Mountain Area Rescue Ministries

and many more causes and organizations within the community.

3. **Suitability or Unsuitability of the Air Pollution Source to the Area in which It Is Located**

Petitioner's ACI is located off Howard Drive, in Sevierville, which is suitable for operation of an ACI because it allows for clean material to be burned in a less densely populated area, in close proximity to equipment and materials to ensure safe fire practices, maintaining good air quality and preventing fire emergencies and/or loss of property.

4. **Technical Practicability and Economic Reasonableness of Reducing or Eliminating Emissions**

   Petitioner's variance request will not result in increased air contaminant emissions. Denying the variance request could lead to increased emissions if the Petitioner ceases operation of the ACI.

5. **Economic Benefit Gained through Failure to Comply With Applicable Law or Regulations**

   Petitioner's sole request is for a fee waiver variance. Petitioner does not seek to avoid compliance with any applicable law or regulation. Instead, Petitioner requests a reduced Title V Annual Emission Fee to make operation of its ACI economically feasible.

   The Board recently increased its lowest Title V Annual Emission Fee to $15,000 for sources required to obtain Title V permits that are subject to one federal air standard. If the Board does not grant Petitioner's variance request, the Petitioner would have to consider ceasing operation of its ACI and disposing of its waste in another manner.

6. **The Amount or Degree of Effort Put Forth by the Air Contaminant Source to Attain Compliance**

   Petitioner is not requesting a variance to refrain from complying with any applicable state or federal law or regulation. Instead, Petitioner is only seeking a reduced annual emission fee to make operation of its ACI economically feasible.

For the reasons stated above, we respectfully request that the Board approve this variance request. Please contact Jeremy May, at either jmay@blalockconstruction.com or 865-640-4376, with any questions regarding this matter.

Sincerely,

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
RICE ENTERPRISES, LLC	)	ORDER NO: 25-002
	)	
VARIANCE REQUEST	)	

BOARD ORDER

On December 9, 2024, Rice Enterprises, LLC (Petitioner) petitioned this Board for a variance from the requirements of Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). Specifically, Petitioner requests a reduction of $12,000 from the base fee portion ($15,000) of its Title V annual emission fee, resulting in a reduced annual base fee of $3,000.

TAPCR subpart 1200-03-26-.02(9)(d)1(iii) reads, in pertinent part:

The base fee is determined in accordance with the following table:

Number of federal air quality standards	Base Fee
0	$10,000
1	$15,000
2 to 3	$20,000
4 to 5	$30,000
6 to 10	$40,000
11 to 20	$50,000
21 and up	$75,000

The Petitioner requested this variance because 40 C.F.R. 60 Subpart CCCC, Commercial and Industrial Solid Waste Incinerators, requires it to obtain a Title V permit to operate an air curtain incinerator (ACI). The allowable emissions from this facility are below the standard Title V major source thresholds of 100 tons per year (TPY) of criteria pollutants, 10 TPY of a single hazardous air pollutant, and 25 TPY of a combination of hazardous air pollutants. Additionally, Petitioner's ACI, is subject only to minor requirements under the federal rule. EPA recently removed the requirement for certain ACIs to obtain Title V permits, but these rule changes did not cover the type of ACI operated by the Petitioner.

The Technical Secretary recommends granting this request for the following reasons:

The higher Title V annual emission fee potentially makes operation of the ACI economically infeasible. Without this variance, Petitioner has stated that the use of the ACI will be commercially unviable compared to less environmentally sound methods such as open burning or disposal of material in a landfill.

Granting this request will not result in any injury to public health, general welfare, or physical property.

Petitioner owns the air contaminant source, but it is operated by CFC Recycling. CFC Recycling employs 85 people in the Tullahoma, TN area. Its annual contribution to the local economy is approximately $5,647,000 per year, and the Petitioner makes annual contributions of approximately $35,000 many local charitable and educational agencies and organizations.

The ACI is located in a sparsely populated area suitable for operation of an ACI.

Granting this request will not result in increased air contaminant emissions. Denying the request could lead to increased emissions if Petitioner ceases operation of the ACI in favor of other disposal methods such as open burning.

Petitioner requests a reduced Title V annual emission fee so that operating the ACI is economically feasible.

Petitioner does not seek to avoid compliance with any applicable law or regulation, seeking only a reduced Title V annual emission fee. Petitioner will continue to comply with the requirements of the applicable regulations.

Therefore, upon recommendation of the Technical Secretary, this Board grants Rice Enterprises, LLC a partial variance from the requirements found in subpart 1200-03-26-.02(9)(d)1(iii) of the Tennessee Air Pollution Control Regulations with regard to payment of Title V annual emission fees Specifically, Petitioner will be assessed a Title V base fee of $3,000 rather than the $15,000 base fee which would otherwise apply. Issuance of this variance does not negate the requirement to pay Title V annual emission fees.

This variance is effective from January 8, 2025, through January 7, 2026.

Approved on January 8, 2025, by the board members as follow:

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

Attachment: December 9, 2024, Variance Request

12/09/2024

Michelle Walker Owenby, Technical Secretary
Air Pollution Control Board
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243

Re: ***Rice Enterprises, LLC***
2848 Old Manchester Highway, Tullahoma, TN 37388
Facility ID 16-0280
Petition for Variance from Title V Permit Base Fees

To the Technical Secretary:

Pursuant to Tennessee Code Annotated section 68-201-118, *Rice Enterprises, LLC* ("Petitioner") respectfully petitions the Tennessee Air Pollution Control Board (the "Board") for a variance in connection with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). For the reasons set forth below, Petitioner requests a reduction of **$12,000.00** from the Base Fee portion its Title V Annual Emission Fee, as required by TAPCR 1200-03-26-.02(9)(d)1(iii), resulting in a reduced base emission fee of **$3,000.00**. This petition does not request any changes to the emission fee portion of the Title V Annual Fee as required by TAPCR 1200-03-26-.02(9)(d)2(iii) or the Title V modification fee portion of the Title V Annual Fee, if applicable, as required by TAPCR 1200-03-26-.02(9)(d)4.

Petitioner operates an air curtain incinerator ("ACI") located in Tullahoma, Tennessee, which is subject to standards of performance set forth in Subpart CCCC of 40 C.F.R. part 60. While EPA recently removed the requirement for certain ACIs to obtain Title V permits, this rule change did not cover the type of ACI operated by the Petitioner. Therefore, EPA's Commercial and Industrial Solid Waste Incinerator ("CISWI") rules promulgated under Clean Air Act section 129 require Tennessee to permit Petitioner's ACI as a major source required to obtain a Title V permit, subject to applicable Title V annual emission fees.

Petitioner understands that under Tennessee Code Annotated section 68-201-106, there are certain matters to be considered by the Board when exercising its powers to grant a variance. Petitioner provides the following information in consideration of those matters.

1. **Character and Degree of Injury to, or Interference with, the Protection of the Health, General Welfare, and Physical Property of the People**

   Granting Petitioner's fee variance request will not result in any injury to public health, general welfare, or physical property because there is no request to waive an emissions limitation or standard. Petitioner only requests a reduced Title V Annual Emission Fee, because the recently increased Title V Annual Emission base fee of $15,000 (for sources subject to one federal air quality standard) makes operation of its ACI economically infeasible.

   Requiring Petitioner to pay the full Title V Annual Emission base fee makes use of its ACI commercially unviable compared to less environmentally sound methods, such as open burning or

landfilling. Granting Petitioner's request would allow it to continue operating its ACI in compliance with its permit to dispose of allowed materials in an environmentally sound manner that promotes public health and general welfare.

2. **Social and Economic Value of the Air Contaminant Source**

   The Petitioner owns the Air Contaminant Source (ACI) but does not operate it directly. The ACI is operated by CFC Recycling, which employs 85 individuals in the Tullahoma, Tennessee area and contributes approximately $5,674,000 annually to the local economy, serving as a key driver of economic activity in the region. In addition, CFC Recycling is a significant supporter of local community initiatives, including Partners for Healing, the Hands-On Science Center, and various outreach programs that benefit local schools and the broader community its contributions add up to over $35,000 annually.

3. **Suitability or Unsuitability of the Air Pollution Source to the Area in which It Is Located**

   Petitioner's ACI is located in an M3 zoning area, which is suitable for operation of an ACI because it is located in a large field with a large pond, in the county away from residential areas.

4. **Technical Practicability and Economic Reasonableness of Reducing or Eliminating Emissions**

   Petitioner's variance request will not result in increased air contaminant emissions. Denying the variance request could lead to increased emissions if the Petitioner ceases operation of the ACI.

5. **Economic Benefit Gained through Failure to Comply With Applicable Law or Regulations**

   Petitioner's sole request is for a fee waiver variance. Petitioner does not seek to avoid compliance with any applicable law or regulation. Instead, Petitioner requests a reduced Title V Annual Emission Fee to make operation of its ACI economically feasible.

   The Board recently increased its lowest Title V Annual Emission Fee to $15,000 for sources required to obtain Title V permits that are subject to one federal air standard. If the Board does not grant Petitioner's variance request, the Petitioner would have to consider ceasing operation of its ACI and disposing of its waste in another manner.

6. **The Amount or Degree of Effort Put Forth by the Air Contaminant Source to Attain Compliance**

   Petitioner is not requesting a variance to refrain from complying with any applicable state or federal law or regulation. Instead, Petitioner is only seeking a reduced annual emission fee to make operation of its ACI economically feasible.

   For the reasons stated above, we respectfully request that the Board approve this variance request. Please contact Austin Sisco at adsisco@cfcrecycling.net with any questions regarding this matter.

Sincerely,

Austin Sisco Austin D Sisco

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
SEVIER WOOD WASTE & RECYCLING LLC	)	ORDER NO: 25-003
	)	
VARIANCE REQUEST	)	

BOARD ORDER

On December 7, 2024, Sevier Wood Waste & Recycling LLC (Petitioner) petitioned this Board for a variance from the requirements of Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). Specifically, Petitioner requests a reduction of $12,000 from the base fee portion ($15,000) of its Title V annual emission fee, resulting in a reduced annual base fee of $3,000.

TAPCR subpart 1200-03-26-.02(9)(d)1(iii) reads, in pertinent part:

The base fee is determined in accordance with the following table:

Number of federal air quality standards	Base Fee
0	$10,000
1	$15,000
2 to 3	$20,000
4 to 5	$30,000
6 to 10	$40,000
11 to 20	$50,000
21 and up	$75,000

The Petitioner requested this variance because 40 C.F.R. 60 Subpart CCCC, Commercial and Industrial Solid Waste Incinerators, requires it to obtain a Title V permit to operate an air curtain incinerator (ACI). The allowable emissions from this facility are significantly below the standard Title V major source thresholds of 100 tons per year (TPY) of criteria pollutants, 10 TPY of a single hazardous air pollutant, and 25 TPY of a combination of hazardous air pollutants. Additionally, Petitioner's ACI is subject only to minor requirements under the federal rule. EPA recently removed the requirement for certain ACIs to obtain Title V permits, but these rule changes did not cover the type of ACI operated by the Petitioner.

The Technical Secretary recommends granting this request for the following reasons:

The higher Title V annual emission fee potentially makes operation of the ACI economically infeasible. Without this variance, Petitioner has stated that the use of the ACI will be commercially unviable compared to less environmentally sound methods such as open burning or disposal of material in a landfill.

Granting this request will not result in any injury to public health, general welfare, or physical property.

Petitioner's annual contribution to the local economy is invaluable because it helps prevent forest fires by giving the citizens of Sevier County a place to safely control the burning of wood waste, greatly mitigating the risk of brush fires and saving the county, state, and government millions of dollars. In addition, Petitioner is a member of the Sevier County Firewise program, a program that helps educate residents on best practices to keep their homes and the area safe from wildfires.

The ACI is located on a 175-acre timber farm suitable for operation of an ACI.

Granting this request will not result in increased air contaminant emissions. Denying the request could lead to increased emissions if Petitioner ceases operation of the ACI in favor of other disposal methods such as open burning.

Petitioner requests a reduced Title V annual emission fee so that operating the ACI is economically feasible.

Petitioner does not seek to avoid compliance with any applicable law or regulation, seeking only a reduced Title V annual emission fee. Petitioner will continue to comply with the requirements of the applicable regulations.

Therefore, upon recommendation of the Technical Secretary, this Board grants Sevier Wood Waste & Recycling LLC a partial variance from the requirements found in subpart 1200-03-26-.02(9)(d)1(iii) of the Tennessee Air Pollution Control Regulations with regard to payment of Title V annual emission fees Specifically, Petitioner will be assessed a Title V base fee of $3,000 rather than the $15,000 base fee which would otherwise apply. Issuance of this variance does not negate the requirement to pay Title V annual emission fees.

This variance is effective from January 8, 2025, through January 7, 2026.

Approved on January 8, 2025, by the board members as follow:

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

Attachment: December 7, 2024, Variance Request

SWWR
SEVIER WOOD WASTE & RECYCLING

12/07/2024

Michelle Walker Owenby, Technical Secretary
Air Pollution Control Board
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243

Re: ***Sevier Wood Waste & Recycling LLC***
1409 Chapman Hwy. Sevierville, TN 37876
Facility ID 78-0406
Petition for Variance from Title V Permit Base Fees

To the Technical Secretary:

Pursuant to Tennessee Code Annotated section 68-201-118, *Sevier Wood Waste & Recycling LLC* ("Petitioner") respectfully petitions the Tennessee Air Pollution Control Board (the "Board") for a variance in connection with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). For the reasons set forth below, Petitioner requests a reduction of **$12,000.00** from the Base Fee portion its Title V Annual Emission Fee, as required by TAPCR 1200-03-26-.02(9)(d)1(iii), resulting in a reduced base emission fee of **$3,000.00**. This petition does not request any changes to the emission fee portion of the Title V Annual Fee as required by TAPCR 1200-03-26-.02(9)(d)2(iii) or the Title V modification fee portion of the Title V Annual Fee, if applicable, as required by TAPCR 1200-03-26-.02(9)(d)4.

Petitioner operates an air curtain incinerator ("ACI") located in *Sevierville*, Tennessee, which is subject to standards of performance set forth in Subpart CCCC of 40 C.F.R. part 60. While EPA recently removed the requirement for certain ACIs to obtain Title V permits, this rule change did not cover the type of ACI operated by the Petitioner. Therefore, EPA's Commercial and Industrial Solid Waste Incinerator ("CISWI") rules promulgated under Clean Air Act section 129 require Tennessee to permit Petitioner's ACI as a major source required to obtain a Title V permit, subject to applicable Title V annual emission fees.

Petitioner understands that under Tennessee Code Annotated section 68-201-106, there are certain matters to be considered by the Board when exercising its powers to grant a variance. Petitioner provides the following information in consideration of those matters.

SWWR
SEVIER WOOD WASTE & RECYCLING

1. **Character and Degree of Injury to, or Interference with, the Protection of the Health, General Welfare, and Physical Property of the People**

   Granting Petitioner's fee variance request will not result in any injury to public health, general welfare, or physical property because there is no request to waive an emissions limitation or standard. Petitioner only requests a reduced Title V Annual Emission Fee, because the recently increased Title V Annual Emission base fee of $15,000 (for sources subject to one federal air quality standard) makes operation of its ACI economically infeasible.

   Requiring Petitioner to pay the full Title V Annual Emission base fee makes use of its ACI commercially unviable compared to less environmentally sound methods, such as open burning or landfilling. Granting Petitioner's request would allow it to continue operating its ACI in compliance with its permit to dispose of allowed materials in an environmentally sound manner that promotes public health and general welfare.

2. **Social and Economic Value of the Air Contaminant Source**

   Petitioner employs 0 people in the Sevierville, Tennessee area. Its annual contribution to the local economy is invaluable because it helps prevent forest fires by giving the citizens of Sevier County a place to safely control the burning of wood waste, greatly mitigating the risk of brush "forest fires" which have become a recurring issue in recent years, costing the county, state, and federal government millions of dollars. In addition, Petitioner is a member of the Sevier County Firewise program, a program that helps educate residents on best practices to keep their homes and our area safe from wildfires.

3. **Suitability or Unsuitability of the Air Pollution Source to the Area in which It Is Located**

   Petitioner's ACI is located at the county side of edge of the Sevierville city/Sevier county line, which is suitable for operation of an ACI, on a 175 acre timber farm, which houses a sawmill, firewood business, and directly adjacent to B&B Tree Managament (tree service) who is a co-owner of the incinerator. It provides easy ingress and egress for the primary customers (City of Sevierville, City of Pigeon Forge, TDOT) and county residents to dispose of yard/wood waste.

4. **Technical Practicability and Economic Reasonableness of Reducing or Eliminating Emissions**

   Petitioner's variance request will not result in increased air contaminant emissions. Denying the variance request could lead to increased emissions if the Petitioner ceases operation of the ACI.

SWWR
SEVIER WOOD WASTE & RECYCLING

5. **Economic Benefit Gained through Failure to Comply With Applicable Law or Regulations**

Petitioner's sole request is for a fee waiver variance. Petitioner does not seek to avoid compliance with any applicable law or regulation. Instead, Petitioner requests a reduced Title V Annual Emission Fee to make operation of its ACI economically feasible.

The Board recently increased its lowest Title V Annual Emission Fee to $15,000 for sources required to obtain Title V permits that are subject to one federal air standard. If the Board does not grant Petitioner's variance request, the Petitioner would have to consider ceasing operation of its ACI and disposing of its waste in another manner.

6. **The Amount or Degree of Effort Put Forth by the Air Contaminant Source to Attain Compliance**

Petitioner is not requesting a variance to refrain from complying with any applicable state or federal law or regulation. Instead, Petitioner is only seeking a reduced annual emission fee to make operation of its ACI economically feasible.

For the reasons stated above, we respectfully request that the Board approve this variance request. Please contact *Jason Tarwater at 865-567-3786* with any questions regarding this matter.

Sincerely,

Jason K. Tarwater

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
VENTURE CONTRACTING, INC.	)	ORDER NO: 25-004
	)	
VARIANCE REQUEST	)	

BOARD ORDER

On December 10, 2024, Venture Contracting, Inc. (Petitioner) petitioned this Board for a variance from the requirements of Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). Specifically, Petitioner requests a reduction of $12,000 from the base fee portion ($15,000) of its Title V annual emission fee, resulting in a reduced annual base fee of $3,000.

TAPCR subpart 1200-03-26-.02(9)(d)1(iii) reads, in pertinent part:

The base fee is determined in accordance with the following table:

Number of federal air quality standards	Base Fee
0	$10,000
1	$15,000
2 to 3	$20,000
4 to 5	$30,000
6 to 10	$40,000
11 to 20	$50,000
21 and up	$75,000

The Petitioner requested this variance because 40 C.F.R. 60 Subpart CCCC, Commercial and Industrial Solid Waste Incinerators, requires it to obtain a Title V permit to operate an air curtain incinerator (ACI). The allowable emissions from this facility are significantly below the standard Title V major source thresholds of 100 tons per year (TPY) of criteria pollutants, 10 TPY of a single hazardous air pollutant, and 25 TPY of a combination of hazardous air pollutants. Additionally, Petitioner's ACI is subject only to minor requirements under the federal rule. EPA recently removed the requirement for certain ACIs to obtain Title V permits, but these rule changes did not cover the type of ACI operated by the Petitioner.

The Technical Secretary recommends granting this request for the following reasons:

The higher Title V annual emission fee potentially makes operation of the ACI economically infeasible. Without this variance, Petitioner has stated that the use of the ACI will be commercially unviable compared to less environmentally sound methods such as open burning or disposal of material in a landfill.

Granting this request will not result in any injury to public health, general welfare, or physical property.

Petitioner employs 29 people in the Sevierville, TN area. Its annual contribution to the local economy is approximately $18,000,000 per year, and the Petitioner contributes to multiple charitable and educational agencies and organizations annually.

The ACI is located in an industrial area suitable for operation of an ACI.

Granting this request will not result in increased air contaminant emissions. Denying the request could lead to increased emissions if Petitioner ceases operation of the ACI in favor of other disposal methods such as open burning.

Petitioner requests a reduced Title V annual emission fee so that operating the ACI is economically feasible.

Petitioner does not seek to avoid compliance with any applicable law or regulation, seeking only a reduced Title V annual emission fee. Petitioner will continue to comply with the requirements of the applicable regulations.

Therefore, upon recommendation of the Technical Secretary, this Board grants Venture Contracting, Inc. a partial variance from the requirements found in subpart 1200-03-26-.02(9)(d)1(iii) of the Tennessee Air Pollution Control Regulations with regard to payment of Title V annual emission fees Specifically, Petitioner will be assessed a Title V base fee of $3,000 rather than the $15,000 base fee which would otherwise apply. Issuance of this variance does not negate the requirement to pay Title V annual emission fees.

This variance is effective from January 8, 2025, through January 7, 2026.

Approved on January 8, 2025, by the board members as follow:

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

Attachment: December 10, 2024, Variance Request

Venture Contracting INC
EXCAVATING
DUMPSTER RENTAL

12/10/2024

Michelle Walker Owenby, Technical Secretary
Air Pollution Control Board
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243

Re: ***Phillip Derosia***
1973 Walnut Grove Rd. Sevierville, TN 37876
Facility ID 78-0410-01
Petition for Variance from Title V Permit Base Fees

To the Technical Secretary:

Pursuant to Tennessee Code Annotated section 68-201-118, *Phillip Derosia*("Petitioner") respectfully petitions the Tennessee Air Pollution Control Board (the "Board") for a variance in connection with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). For the reasons set forth below, Petitioner requests a reduction of **$12,000.00** from the Base Fee portion its Title V Annual Emission Fee, as required by TAPCR 1200-03-26-.02(9)(d)1(iii), resulting in a reduced base emission fee of **$3,000.00**. This petition does not request any changes to the emission fee portion of the Title V Annual Fee as required by TAPCR 1200-03-26-.02(9)(d)2(iii) or the Title V modification fee portion of the Title V Annual Fee, if applicable, as required by TAPCR 1200-03-26-.02(9)(d)4.

Petitioner operates an air curtain incinerator ("ACI") located in *Sevierville*, Tennessee, which is subject to standards of performance set forth in Subpart CCCC of 40 C.F.R. part 60. While EPA recently removed the requirement for certain ACIs to obtain Title V permits, this rule change did not cover the type of ACI operated by the Petitioner. Therefore, EPA's Commercial and Industrial Solid Waste Incinerator ("CISWI") rules promulgated under Clean Air Act section 129 require Tennessee to permit Petitioner's ACI as a major source required to obtain a Title V permit, subject to applicable Title V annual emission fees.

Petitioner understands that under Tennessee Code Annotated section 68-201-106, there are certain matters to be considered by the Board when exercising its powers to grant a variance. Petitioner provides the following information in consideration of those matters.

1. **Character and Degree of Injury to, or Interference with, the Protection of the Health, General Welfare, and Physical Property of the People**

   Granting Petitioner's fee variance request will not result in any injury to public health, general welfare, or physical property because there is no request to waive an emissions limitation or standard. Petitioner only requests a reduced Title V Annual Emission Fee, because the recently increased Title V Annual Emission base fee of $15,000 (for sources subject to one federal air quality standard) makes operation of its ACI economically infeasible.

Requiring Petitioner to pay the full Title V Annual Emission base fee makes use of its ACI commercially unviable compared to less environmentally sound methods, such as open burning or landfilling. Granting Petitioner's request would allow it to continue operating its ACI in compliance with its permit to dispose of allowed materials in an environmentally sound manner that promotes public health and general welfare.

2. **Social and Economic Value of the Air Contaminant Source**

Petitioner employs 29 people in the *Sevierville*, Tennessee area. Its annual contribution to the local economy is approximately *$18M* per year. In addition, Petitioner also contributes to the following charities FOP# 2, Boys and Girls Club, Christmas baskets for Christ, numerous Sevier County schools, Pathway Church, Pittman Center School, Dumpster rental donations for charity events.

3. **Suitability or Unsuitability of the Air Pollution Source to the Area in which It Is Located**

Petitioner's ACI is located in Sevierville, TN which is suitable for operation of an ACI because it is zoned for industrial use.

Technical Practicability and Economic Reasonableness of Reducing or Eliminating Emissions
Petitioner's variance request will not result in increased air contaminant emissions. Denying the variance request could lead to increased emissions if the Petitioner ceases operation of the ACI.

4. **Economic Benefit Gained through Failure to Comply With Applicable Law or Regulations**

Petitioner's sole request is for a fee waiver variance. Petitioner does not seek to avoid compliance with any applicable law or regulation. Instead, Petitioner requests a reduced Title V Annual Emission Fee to make operation of its ACI economically feasible.

The Board recently increased its lowest Title V Annual Emission Fee to $15,000 for sources required to obtain Title V permits that are subject to one federal air standard. If the Board does not grant Petitioner's variance request, the Petitioner would have to consider ceasing operation of its ACI and disposing of its waste in another manner.

5. **The Amount or Degree of Effort Put Forth by the Air Contaminant Source to Attain Compliance**

Petitioner is not requesting a variance to refrain from complying with any applicable state or federal law or regulation. Instead, Petitioner is only seeking a reduced annual emission fee to make operation of its ACI economically feasible.

For the reasons stated above, we respectfully request that the Board approve this variance request. Please contact Phillip Derosia 865-712-8916 with any questions regarding this matter.

Sincerely,

Phillip Derosia
President
Venture Contracting
865-712-8916
phillip@venturecontractinginc.com

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
UNIVERSAL ENVIRONMENTAL SERVICES LLC	)	ORDER NO: 25-005
	)	
VARIANCE REQUEST	)	

BOARD ORDER

On December 17, 2024, Universal Environmental Services LLC (Petitioner) petitioned this Board for a variance from the requirements of Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). Specifically, Petitioner requests a reduction of $12,000 from the base fee portion ($15,000) of its Title V annual emission fee, resulting in a reduced annual base fee of $3,000.

TAPCR subpart 1200-03-26-.02(9)(d)1(iii) reads, in pertinent part:

The base fee is determined in accordance with the following table:

Number of federal air quality standards	Base Fee
0	$10,000
1	$15,000
2 to 3	$20,000
4 to 5	$30,000
6 to 10	$40,000
11 to 20	$50,000
21 and up	$75,000

The Petitioner requested this variance because 40 C.F.R. 60 Subpart CCCC, Commercial and Industrial Solid Waste Incinerators, requires it to obtain a Title V permit to operate an air curtain incinerator (ACI). The allowable emissions from this facility are significantly below the standard Title V major source thresholds of 100 tons per year (TPY) of criteria pollutants, 10 TPY of a single hazardous air pollutant, and 25 TPY of a combination of hazardous air pollutants. Additionally, Petitioner's ACI is subject only to minor requirements under the federal rule. EPA recently removed the requirement for certain ACIs to obtain Title V permits, but these rule changes did not cover the type of ACI operated by the Petitioner.

The Technical Secretary recommends granting this request for the following reasons:

The higher Title V annual emission fee potentially makes operation of the ACI economically infeasible. Without this variance, Petitioner has stated that the use of the ACI will be commercially unviable compared to less environmentally sound methods such as open burning or disposal of material in a landfill.

Granting this request will not result in any injury to public health, general welfare, or physical property.

Petitioner employs 18 people in the Morristown, TN area. Its annual contribution to the local economy is approximately $3,000,000 to $5,000,000 per year, and the Petitioner conducts community educational events to prevent materials from entering landfills.

The ACI is located in an industrial park in an area suitable for operation of an ACI.

Granting this request will not result in increased air contaminant emissions. Denying the request could lead to increased emissions if Petitioner ceases operation of the ACI in favor of other disposal methods such as open burning.

Petitioner requests a reduced Title V annual emission fee so that operating the ACI is economically feasible.

Petitioner does not seek to avoid compliance with any applicable law or regulation, seeking only a reduced Title V annual emission fee. Petitioner will continue to comply with the requirements of the applicable regulations.

Therefore, upon recommendation of the Technical Secretary, this Board grants Universal Environmental Services LLC a partial variance from the requirements found in subpart 1200-03-26-.02(9)(d)1(iii) of the Tennessee Air Pollution Control Regulations with regard to payment of Title V annual emission fees Specifically, Petitioner will be assessed a Title V base fee of $3,000 rather than the $15,000 base fee which would otherwise apply. Issuance of this variance does not negate the requirement to pay Title V annual emission fees.

This variance is effective from January 8, 2025, through January 7, 2026.

Approved on January 8, 2025, by the board members as follow:

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

Attachment: December 17, 2024, Variance Request

Universal Environmental Services

December 17, 2024

Michelle Walker Owenby, Technical Secretary
Air Pollution Control Board
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243

Re: Universal Environmental Services
325 Industrial Ave Morristown, TN 37931
Facility ID 32-0378
Petition for Variance from Title V Permit Base Fees

To the Technical Secretary:

Pursuant to Tennessee Code Annotated section 68-201-118, Universal Environmental Services, LLC (Petitioner), respectfully petitions the Tennessee Air Pollution Control Board (the "Board") for a variance in connection with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d)1(iii). For the reasons set forth below, Petitioner requests a reduction of $12,000.00 from the Base Fee portion its Title V Annual Emission Fee, as required by TAPCR 1200-03-26-.02(9)(d)1(iii), resulting in a reduced base emission fee of $3,000.00. This petition does not request any changes to the emission fee portion of the Title V Annual Fee as required by TAPCR 1200-03-26-.02(9)(d)2(iii) or the Title V modification fee portion of the Title V Annual Fee, if applicable, as required by TAPCR 1200-03-26-.02(9)(d)4.

Petitioner operates an air curtain incinerator ("ACI") in Tennessee, which is subject to standards of performance set forth in Subpart CCCC of 40 C.F.R. part 60. While EPA recently removed the requirement for certain ACIs to obtain Title V permits, this rule change did not cover the type of ACI operated by the Petitioner. Therefore, EPA's Commercial and Industrial Solid Waste Incinerator ("CISWI") rules promulgated under Clean Air Act section 129 require Tennessee to permit Petitioner's ACI as a major source required to obtain a Title V permit, subject to applicable Title V annual emission fees.

Phone: 800 988 7977
Fax: 770 357 0202
universalenvironmentalservices.com
411 Dividend Drive
Peachtree City, GA 30269

The petitioner understands that under Tennessee Code Annotated section 68-201-106, there are certain matters to be considered by the Board when exercising its powers to grant a variance. Petitioner provides the following information in consideration of those matters.

1. **Character and Degree of Injury to, or Interference with, the Protection of the Health, General Welfare, and Physical Property of the People.** Granting Petitioner's fee variance request will not result in any injury to public health, general welfare, or physical property because there is no request to waive an emissions limitation or standard. Petitioner only requests a reduced Title V Annual Emission Fee, because the recently increased Title V Annual Emission base fee of $15,000 (for sources subject to one federal air quality standard) makes operation of its ACI economically infeasible.

   Requiring Petitioner to pay the full Title V Annual Emission base fee makes use of its ACI commercially unviable compared to less environmentally sound methods, such as open burning or landfilling. Granting Petitioner's request would allow it to continue operating its ACI in compliance with its permit to dispose of allowed materials in an environmentally sound manner that promotes public health and general welfare.
2. **Social and Economic Value of the Air Contaminant Source.** Petitioner employs 18 people in the Morristown, Tennessee area. Its annual contribution to the local economy is approximately $3-5 million per year. In addition, Petitioner continues to conduct community events to prevent materials from entering landfills.
3. **Suitability or Unsuitability of the Air Pollution Source to the Area in which It Is Located.** Petitioner's ACI is located in Morristown, TN, which is suitable for the operation of an ACI because it is located in an industrial facility in an industrial park.
4. **Technical Practicability and Economic Reasonableness of Reducing or Eliminating Emissions.** Petitioner's variance request will not result in increased air contaminant emissions. Denying the variance request could lead to increased emissions if the Petitioner ceases operation of the ACI.

Phone: 800 988 7977
Fax: 770 357 0202
universalenvironmentalservices.com
411 Dividend Drive
Peachtree City, GA 30269

5. **Economic Benefit Gained through Failure to Comply With Applicable Law or Regulations.** Petitioner's sole request is for a fee waiver variance. Petitioner does not seek to avoid compliance with any applicable law or regulation. Instead, Petitioner requests a reduced Title V Annual Emission Fee to make operation of its ACI economically feasible. The Board recently increased its lowest Title V Annual Emission Fee to $15,000 for sources required to obtain Title V permits that are subject to one federal air standard. If the Board does not grant Petitioner's variance request, the Petitioner would have to consider ceasing operation of its ACI and disposing of its waste in another manner.
6. **The Amount or Degree of Effort Put Forth by the Air Contaminant Source to Attain Compliance.** The petitioner is not requesting a variance to refrain from complying with any applicable state or federal law or regulation. Instead, Petitioner is only seeking a reduced annual emission fee to make operation of its ACI economically feasible.

For the reasons stated above, we respectfully request that the Board approve this variance request. Please contact Mike Toney at 865-296-4854 or Michael Schorr at 678-544-2915 with any questions regarding this matter.

Sincerely,

Michael Schorr, CHMM
Director, Government and Regulatory Affairs
Universal Environmental Services, LLC

cc: Mike Toney, Universal Environmental Services, LLC

Phone: 800 988 7977
Fax: 770 357 0202
universalenvironmentalservices.com
411 Dividend Drive
Peachtree City, GA 30269

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

IN THE MATTER OF	)	
	)	
	)	
BAE Systems Ordnance Systems Inc. (37-0028)	)	Order Number: 25-006
	)	
	)	
	)	
Request for PSD Permit Extension	)	

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 8, 2025.

On November 7, 2024, BAE Systems Ordnance Systems Inc. (BAE) requested that the Technical Secretary extend the expiration date of PSD construction permit 979082. This permit was issued November 5, 2021, with an expiration date of December 31, 2023. Because of delays in completion of final design and obtaining resources, BAE requested an amendment to extend the expiration date, and Amendment #1 to this permit (issued August 15, 2023) extended the expiration date to June 30, 2025. BAE's November 7 request states that construction completion is expected by December 2025, and estimates government approval of first article testing (FAT) material in June 2026. [1].

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.01(4)(a)4 states:

> Approval to construct shall become invalid if construction is not commenced within 18 months after issuance of an approved permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the completion date specified on the construction permit application. The Tennessee Air Pollution Control Board may grant an extension to complete construction of the source provided adequate justification is presented. An extension shall not exceed 18 months in time. The provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

The letter dated November 7, 2024, provided by BAE stated construction of emission source 37-0028-136 began January 2023 (within 18 months of initial permit issuance) and was not discontinued for a period of 18 months or more. The letter provided the following justification for the extension request:

[1] Batches of each product specified for the building will be made for first article testing (FAT). Once the FAT batches are completed, work will pause while the government evaluates the material and information provided. The length of this evaluation time is unpredictable. Once the FAT batches are accepted and the government has approved the source for production purposes, the building will be able to produce material for subsequent use.

- The letter states turnover of key personnel working on the project have hindered execution of the original schedule. Due to the complex process the building will support, equipment and instrument checkout will take time before water and chemical trials can start.

Based on the facts specified above, the Technical Secretary recommends that the Board extend the expiration date of this permit until December 31, 2026.

In consideration of the Technical Secretary's recommendation, the Board grants the permit extension. Entered and approved by the following Board Members on January 8, 2025.

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

IN THE MATTER OF	)	
	)	
	)	
BAE Systems Ordnance Systems Inc. (37-0028)	)	Order Number: 25-007
	)	
	)	
	)	
Request for PSD Permit Extension	)	

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 8, 2025.

On November 7, 2024, BAE Systems Ordnance Systems Inc. (BAE) requested that the Technical Secretary extend the expiration date of PSD construction permit 978924. This permit was issued August 2, 2021, with an expiration date of August 31, 2023. Because of delays in equipment deliveries, BAE requested an amendment to extend the expiration date, and Amendment #1 to this permit (issued August 15, 2023) extended the expiration date to February 28, 2025. BAE's November 7 request states that water trials will take place between December 2024 and March 2025, chemical trials will take place in April 2025 and estimates government approval of acetic acid for downstream use by June 2025. It also projects the Title V permit modification will be submitted in June 2026.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.01(4)(a)4 states:

> Approval to construct shall become invalid if construction is not commenced within 18 months after issuance of an approved permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the completion date specified on the construction permit application. The Tennessee Air Pollution Control Board may grant an extension to complete construction of the source provided adequate justification is presented. An extension shall not exceed 18 months in time. The provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

On November 7, 2024, BAE provided a letter, which started that construction began October 2022 (within 18 months of initial permit issuance) and was not discontinued for a period of 18 months or more. The November 7 letter provided the following justification for the extension request:

- The letter states that there was a delay due to delays in equipment fabrication and delivery as well as site conditions that required an additional 8 weeks to remove soil and add suitable soil, and discovery of previously unknown underground asbestos piping which had to be removed. There was also a delay in fire alarm system design due to personnel turnover.

Based on the facts specified above, the Technical Secretary recommends that the Board extend the expiration date of this permit until August 31, 2026.

In consideration of the Technical Secretary's recommendation, the Board grants the permit extension. Entered and approved by the following Board Members on January 8, 2025.

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

IN THE MATTER OF	)	
	)	
	)	
BAE Systems Ordnance Systems Inc. (37-0028)	)	Order Number: 25-008
	)	
	)	
	)	
Request for PSD Permit Extension	)	

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 8, 2025.

On November 7, 2024, BAE Systems Ordnance Systems Inc. (BAE) requested that the Technical Secretary extend the expiration date of PSD construction permit 974192. This permit was issued October 8, 2018, with an expiration date October 7, 2021. Because of delays in equipment deliveries, BAE requested an amendment to extend the expiration date, and Amendment #1 to this permit (issued August 19, 2021) extended the expiration date to December 31, 2022. Amendment #2 to this permit was issued March 3, 2023, to allow the replacement of agitators in emission source 37-0028-125 (recrystallization and coating operations) that failed mechanical or electrical checkout, and that amendment extended permit's the expiration date to December 31, 2023. Amendment #3 to this permit was issued August 22, 2023 due to a need to make further modifications to the agitators in emission source 37-0028-125. BAE's November 7 request states that chemical trials will take place between January and March 2025 and estimates government approval of first article testing (FAT) batches and approval to move into production will occur by July 2025. It also projects the Title V permit modification will be submitted in December 2025.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.01(4)(a)4 states:

> Approval to construct shall become invalid if construction is not commenced within 18 months after issuance of an approved permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the completion date specified on the construction permit application. The Tennessee Air Pollution Control Board may grant an extension to complete construction of the source provided adequate justification is presented. An extension shall not exceed 18 months in time. The provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

On November 7, 2024, BAE provided a letter, which started that construction began February 2019 (within 18 months of initial permit issuance) and was not discontinued for a period of 18 months or more. The November 7 letter provided the following justification for the extension request:

- The letter states that last year the project was on track for chemical trials to be complete by February 2024 with an expectation of Army approval to place the building into production by March 2024. However, prior to chemical trials, the internal pre-startup safety review walkdowns by OSI Quality, Safety, Environmental, Operations, Maintenance, and Senior Leadership revealed construction quality and operational issues that had to be addressed first. After completing the

internal actions in August 2024, the Government walkdown for the "Construction Complete" milestone and approval to begin chemical trials occurred.[1].

- More findings from the USG have introduced additional delay. The letter states those findings are being actively addressed and are expected to be completed before the end of 2024.

Based on the facts specified above, the Technical Secretary recommends that the Board extend the expiration date of this permit until June 30, 2026.

In consideration of the Technical Secretary's recommendation, the Board grants the permit extension. Entered and approved by the following Board Members on January 8, 2025.

[1] Batches of each product specified for the building will be made for first article testing (FAT). Once the FAT batches are completed, work will pause while the government evaluates the material and information provided. The length of this evaluation time is unpredictable. Once the FAT batches are accepted and the government has approved source 125 for production purposes, the building will be able to produce material for subsequent use.

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

IN THE MATTER OF

BRISTOL AREA SECOND 10-YEAR LEAD MAINTENANCE PLAN	)))	ORDER NO. 25-009

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 8, 2025.

The Tennessee Department of Environment and Conservation (TDEC) has prepared the Bristol Area Second 10-year Lead Maintenance Plan for the board's review and approval. On November 12, 2008, the United States Environmental Protection Agency (EPA) promulgated a revised Lead NAAQS of 0.15 micrograms per cubic meter. Subsequently, the EPA designated a 1.25 km radius around the former Exide Technologies battery plant in Bristol, TN (Sullivan County) as nonattainment for the Pb NAAQS based on monitoring data, effective on December 31, 2010. Following this designation, the former Exide facility discontinued operations and surrendered their operating permitting during October 2014. On July 10, 2015, TDEC requested that EPA redesignate the Bristol Lead non-attainment area to attainment, and the EPA approved the redesignation request and the first 10-year maintenance plan on July 7, 2016. The Bristol Area Lead Maintenance Plan was prepared in accordance with Section 175A of the Clean Air Act and the EPA guidance documents. The Bristol Area Second 10-Year Lead Maintenance Plan includes monitoring data, emissions inventory, maintenance demonstration, contingency plans, and a verification of continued attainment. The Bristol Area Second 10-Year Lead Maintenance Plan will last until July 2036.

A public hearing notice was posted on the TDEC website on July 24, 2024. A Public Hearing was held on August 29, 2024. The end of the public comment period was August 29, 2024.

Following the Board's approval, the Bristol Lead Second 10-Year Maintenance Plan shall be adopted.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on the 8th day of January 2035.

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Dr. 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					
Kyle Etheridge Working for Industry with technical experience					
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					

SECOND 10-YEAR MAINTENANCE PLAN

for the

Bristol, Tennessee Lead (Pb) Area

Prepared by the

Tennessee Department of Environment and Conservation Air Division

December 2, 2024

Contents

EXECUTIVE SUMMARY

This submittal addresses the required second (10-year) maintenance plan for the Bristol lead (Pb) maintenance area (MA). The Redesignation Request and First 10-year maintenance plan was submitted by the Tennessee Division of Air Pollution Control (TDAPC) on July 10, 2015, and approved by EPA on July 17, 2016.

This document is organized into the following sections: an introduction, maintenance plan requirements, MA air quality (with a commitment to continued monitoring), MA emission inventories, contingency measures, and a commitment to verifying attainment of the 2008 Pb National Ambient Air Quality Standards (NAAQS). This document also includes the TDAPC Board approval process including steps taken for public participation.

Since the submittal of the first maintenance plan, ambient Pb levels have been monitored within the MA. Prior to recent remediation activity, concentrations remained below the 3-month rolling average 2008 Pb NAAQS, consistent with the Pb-emitting facility shutting down in 2014.

Since there is no longer a permitted facility operating in the MA, Pb point source emissions are near zero. These point emissions are expected to remain at this level throughout the remainder of the second 10-year maintenance period unless a new facility with Pb emissions is permitted in the MA. While there are no reported point source Pb emissions in the area, recent remediation efforts have increased fugitive emissions in the MA resulting in ambient Pb levels above the 2008 Pb NAAQS. These remediation efforts are temporary in nature and are intended to restore the area by remediating the former facility.

With current 3-year design values above the 2008 Pb NAAQS, TDAPC is committed to ensuring Pb levels return to levels below the NAAQS in the MA. To mitigate potential Pb exceedances and achieve NAAQS compliance, TDAPC will coordinate with TDEC's Divisions of Remediation and Solid Waste during the duration of the 10-year maintenance period. These sister agencies oversee remediation activity in the MA. This coordination will help TDAPC establish and maintain NAAQS compliance in the MA, which is a primary goal of this Maintenance Plan.

This plan also discusses contingency measures that will be put into place if Pb emissions trigger additional monitoring or controls.

1 INTRODUCTION

The MA for the 2008 Pb National Ambient Air Quality Standard (NAAQS) consists of an area in Bristol, TN within Sullivan County, located in northeastern Tennessee, approximately 100 miles northeast of Knoxville, Tennessee. The MA boundaries include a 1.25-kilometer (0.78 mile) radius around the former lead acid battery manufacturing plant operated by the Exide Technologies facility (or Exide), shown in Figure 1. The Exide facility operated from 1994 to 2014. During this timeframe, the facility set up and maintained an ambient monitoring network for Pb. From January 2007 to January 2008, air quality monitoring data at the Exide's site indicated that the rolling 3-month average Pb concentrations exceeded the 2008 Pb NAAQS. Subsequently, the Environmental Protection Agency (EPA) designated the area as nonattainment for the 2008 Pb NAAQS (based on the 2007-2009 design value), effective December 31, 2010.

Figure 1 - Location of the Lead Maintenance Area,
with a 1.25 km Radius Surrounding the Former Exide Technologies Facility

In October 2014, the Exide facility discontinued operations and subsequently surrendered their operating permitting. Through a cover letter dated July 10, 2015, the State of Tennessee submitted a redesignation request and a first 10-year maintenance plan for the Bristol area. On July 7, 2016, EPA approved this redesignation request and the first 10-year maintenance plan, and consequently redesignated the area to Attainment/Maintenance for the 2008 Pb NAAQS. In this document, the State of Tennessee is submitting this second 10-year maintenance plan for the Bristol area.

2 MAINTENANCE PLAN

Under §175A. Maintenance Plans of the Federal Clean Air Act (FCAA), the state must submit a revision to the state implementation plan (SIP) to ensure the maintenance of the National Ambient Air Quality Standard (NAAQS) covering the second ten-year period following approval of the area's redesignation to attainment.

3 MONITORING NETWORK

TDAPC has operated a Pb monitoring network consisting of collocated high-volume, filter-based Pb samplers at a State and Local Air Monitoring Stations (SLAMS) site (ID: 47-163-3004), located at 364 Exide Drive in Bristol, TN since 2010. This site serves as a maximum impact monitoring site in this MA and is used to determine NAAQS attainment status. Prior to recent remediation activity starting in 2021, compliance with the 2008 Pb NAAQS was demonstrated by ambient monitoring data since the area was redesignated to Attainment/Maintenance in 2015.

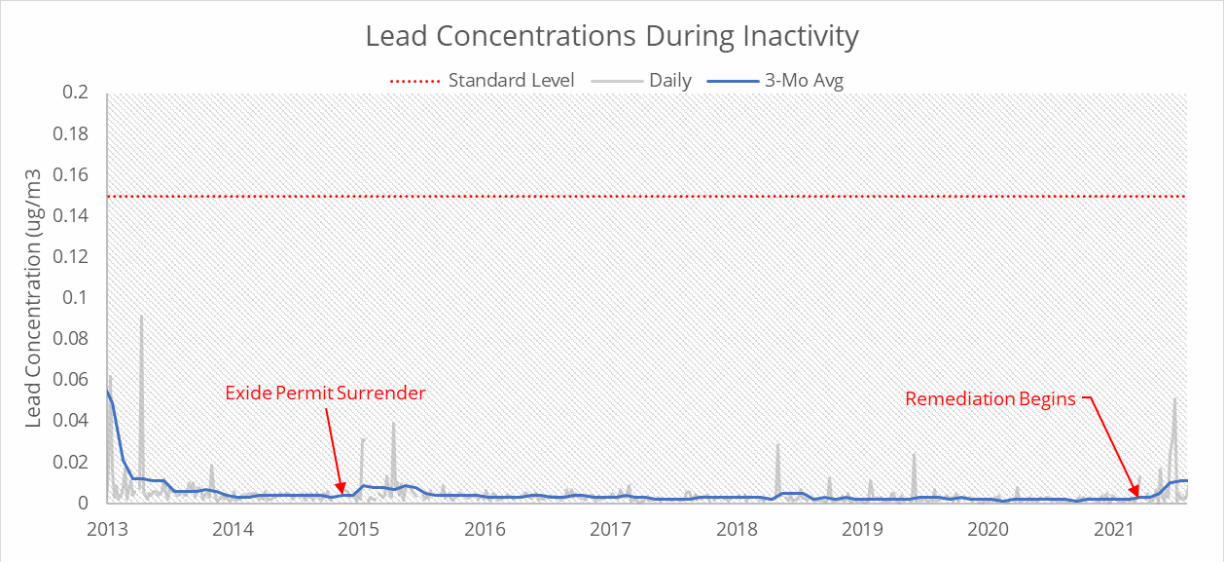
3.1 AIR QUALITY

Since TDAPC deployed Pb samplers, ambient Pb levels have varied in response to activity at the facility. During an extended period of inactivity at the facility, ambient Pb values consistently remained below the 2008 Pb NAAQS. However, remediation efforts in the facility in recent years resulted in significant disturbances of contaminated materials. These disturbances have led to fluctuations in ambient Pb levels, including exceedances of the 2008 Pb NAAQS level. Exceeding the level of the 2008 Pb NAAQS occurs when average monitored values exceed 0.15 µg/m³ over a three-month period. **Figure 2** displays the 3-month rolling average values from 2010 through 2024 at this site, ranging between 0 to 0.257 µg/m³.

Figure 2 - Pb 3-Month Rolling Average Monitoring Values from 2010-2023

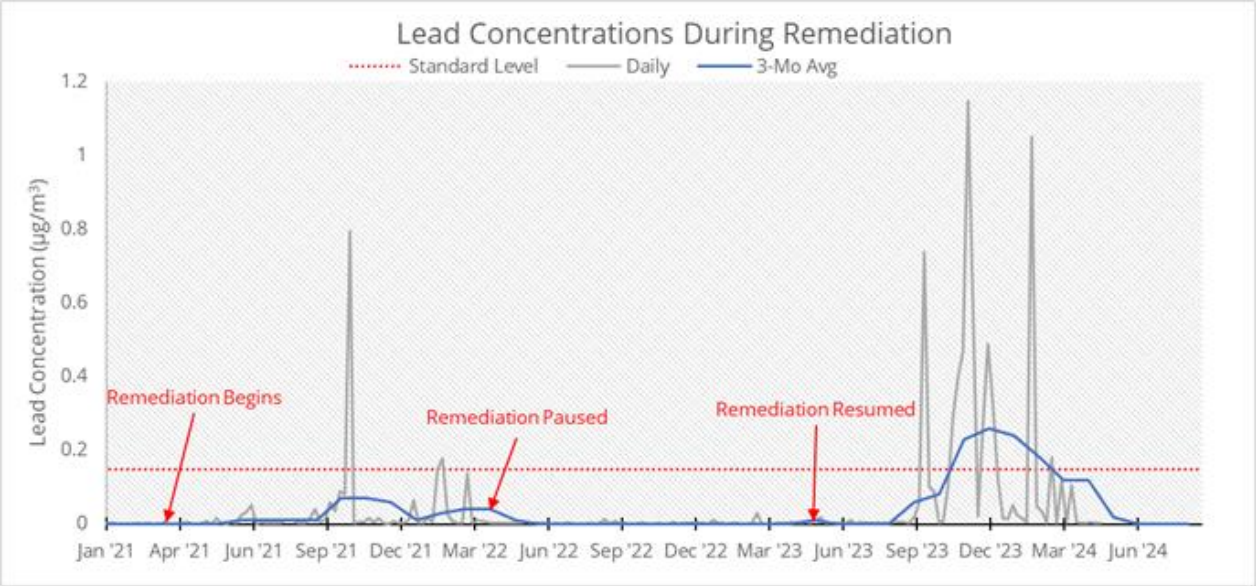
From 2010 to 2013, Pb concentrations were variable and below the 2008 Pb NAAQS. Between 2013 and 2021, Pb concentrations steadily declined to near zero levels. This downward trend corresponded with the Exide Technology facility ceasing operations and surrendering their operating permit in 2014, eliminating all point source emissions in the MA (**Figure 3**).

Figure 3 - Daily Pb Values During Inactivity



In late 2021 and early 2022, a remediation effort of the former Exide Technology facility resulted in temporary, high daily values as shown in **Figure 4**. Following these observations, TDAPC notified the TDEC agencies (Division of Remediation and Division of Solid Waste) overseeing remediation efforts. With the temporary pause in remediation on April 8, 2022, ambient lead concentrations returned to near-zero levels. However, new remediation activity in late 2023 and early 2024 resulted in ambient Pb concentrations exceeding the 2008 Pb NAAQS.

Figure 4 – Daily Pb Values During Remediation Efforts



Prior to the temporary 2021 remediation activities, three-year design values had consistently been below the 2008 Pb NAAQS of 0.15 µg/m³ since the area was redesignated as Attainment/Maintenance as shown in **Table 1.** The design value of Pb based on 2021 to 2023 is expected to be 0.26 µg/m³ in response to the recent remediation activity, which is above the 2008 Pb NAAQS.

Table 1- Lead Monitoring Design Values in the Maintenance Area (µg/m³)

Year	2011-2013	2012-2014	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020	2019-2021	2020-2022	2021-2023
Design Value	0.08	0.07	0.05	0.01	0.01	0	0	0	0.07	0.07	0.26

3.2 PLAN FOR PB MONITORING

The November 12, 2008, federal rule establishing the 2008 Pb NAAQS (73 FR 67029) requires a maximum impact ambient air Pb monitor to determine attainment status. This sole monitor is sufficiently appropriate to monitor any fugitive emissions resulting from disturbance of the soil since there are currently no point sources located in the MA.

TDAPC will continue to quality assure any monitoring data to meet the requirements of 40 CFR the Part 58 and all other federal requirements. TDAPC will enter any data into AQS on a timely basis in accordance with federal guidelines.

This second 10-year maintenance plan does not require operation of a SLAMS monitor when there is no source in the MA which emits 0.5 or more tons per year of lead. However, with

design values currently exceeding the 2008 Pb NAAQS (for 2021–2023), TDAPC commits to monitoring ambient Pb to demonstrate compliance with the NAAQS. If Pb NAAQS compliance is achieved and there are no expected emissions that would trigger a NAAQS violation in the Maintenance Area, TDAPC may coordinate with EPA on options to discontinue the monitoring network. TDAPC will only seek removal of the monitor via a petition to the U.S. EPA Region 4 monitoring group to ensure the necessary regulatory steps and guidelines for discontinuing monitoring are met. If EPA approves the petition to discontinue monitoring, TDAPC commits to resume monitoring at any point if monitoring is required by regulations in 40 CFR Part 58, Appendix D, Section 4.5. TDAPC will consult with U.S. EPA Region 4 prior to making changes to the existing monitoring network, should changes become necessary in the future.

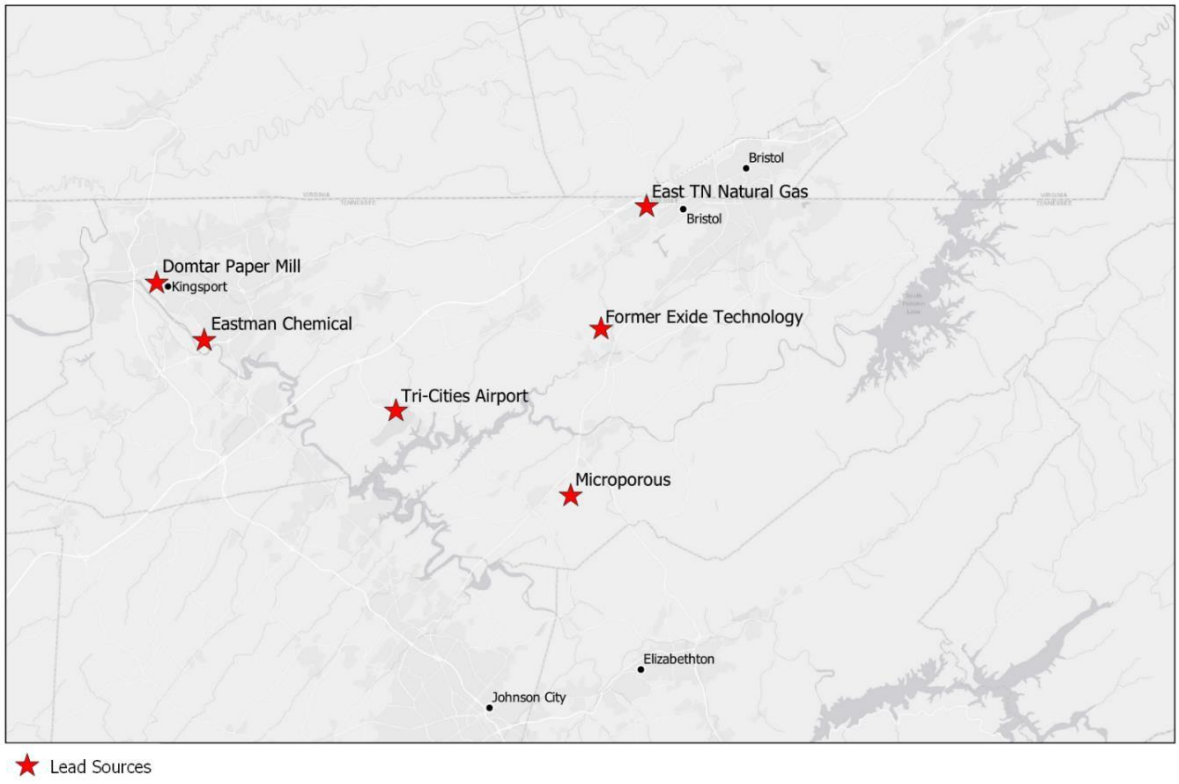
4 EMISSIONS INVENTORY

TDAPC compiled Pb emissions data from the most recent U.S. EPA's National Emissions Inventory (2020 NEI) for the base year and projected the emissions data to 2030 (interim year) and 2035 (future year). These inventories were used to evaluate continued compliance with the NAAQS over the second 10-year maintenance period.

4.1 2020 NEI: BASE YEAR INVENTORY

Emissions data from the 2020 NEI demonstrate that there is currently no facility/point source that produces Pb emissions within the MA. The former Exide Technologies facility located within the MA discontinued operations in 2014 and surrendered their operating permit on October 30, 2014. Other nearby point sources of Pb located in Sullivan County are shown in **Figure 5**.

Figure 5 – Pb Point Source Locations in Sullivan County



The 2020 NEI Pb emissions for these facilities are displayed in **Table 2** in addition to their distance from the MA centered around the former Exide Technologies facility location. The two largest industrial sources within 25 km of this area (Eastman Chemical and Domtar Paper Company) emitted 0.04 and 0.01 tpy of Pb, respectively. The total 2020 Pb emissions within 50 km of this area are 0.1 tons/year. For a frame of reference, the former Exide Technologies facility reported 0.5 tons/year in the 2012 attainment year as shown in the first 10-Year Maintenance Plan.

Table 2 – Pb Point Source Emissions in Sullivan County – 2020 NEI

Facility	Emissions (lb/year)	Emissions (ton/year)	Location
Eastman Chemical	84.45	0.04	24 Km W
Domtar	15.59	0.01	
Microporous Products	0.32	0.0002	10 Km S
East TN Natural Gas	0.005	2.5 E-06	8 Km N
Tri-Cities Regional Airport	108.79	0.05	13 Km SW
Total	**209.16**	**0.1**	

The 2020 NEI area source Pb emissions by source sector for Sullivan County are listed in

Table 3. Area sources are only reported to the NEI every three years, according to the Air Emissions Reporting Requirements (AERR) rule. The 2020 NEI and future projections of the 2020 NEI Pb emissions for Sullivan County are in Appendix A. These were obtained from the Emissions Inventory System (EIS) maintained by EPA. For Sullivan County, 2020 Pb area source emissions are 0.00174 tons/year, well below the point source emissions of 0.1 tons per year.

Table 3 - Pb Area Source Emissions (By Sector) in Sullivan County - 2020 NEI

Source Category	Emissions (lb/yr)	Emissions (ton/year)
Area Source Sector		
Fuel Comb - Comm/Institutional - Natural Gas	0.21	1.03 E-04
Miscellaneous Non-Industrial NEC	0.84	4.20 E-04
Fuel Comb - Comm/Institutional - Oil	0	0
Fuel Comb - Comm/Institutional - Other	0.011	5.54 E-06
Fuel Comb - Industrial Boilers, ICEs - Coal	0	0
Fuel Comb - Residential - Other	0	0
Fires - Prescribed Fires	1.51	7.53 E-04
Fuel Comb - Industrial Boilers, ICEs - Natural Gas	0.56	2.80 E-04
Fuel Comb - Comm/Institutional - Coal	0	0
Fires - Wildfires	0.094	4.68 E-05
Fuel Comb - Residential - Oil	0.13	6.62 E-05
Fuel Comb - Industrial Boilers, ICEs - Oil	0.008	4.34 E-06
Gas Stations	0.12	6.10 E-05
Area Source Total	**3.48**	**1.74 E-03**

No Pb emissions were reported for on-road or nonroad sectors in the 2020 NEI for Sullivan County. A dash has been inserted in Table 4 to indicate the lack of emissions for these sectors in the 2020 NEI. On-road sources include light-duty and heavy-duty motor vehicles. Since the removal of Pb from gasoline for motor vehicles, on-road emissions are expected to be near zero. Nonroad sources include emissions from aircraft, rail, and commercial marine vessels. While airports contain aircraft emissions, they are considered a point source for reporting purposes in the NEI. Refer to **Table 2** for airport emissions.

A summary of 2020 NEI (Base Year) Pb emissions are displayed by sector in **Table 4**. Area sources were apportioned to the MA using the population of the MA compared to the population in Sullivan County. The population in the MA was estimated as the total population in census blocks whose geographical centroids fall inside the MA boundary. According to the 2010 Census data, the population in the MA is 291, and the total population in Sullivan County is 156,823. According to the 2020 census data, the population in the MA is 294, and the total population in Sullivan County is 158,163 (1.00854% increase), Therefore, the partial county fraction is 294/158,163 = 0.186% or 0.19%. This is basically the same growth rate as assessed in the first 10-year Maintenance Plan for the MA since no significant population growth was experienced in the MA over the last 8 years.

Table 4 - 2020 Base Year Pb Emissions for the Bristol Maintenance Area (Pounds Per Year)

Emissions for Bristol MA (PPY)							
Year	Point	Nonroad [2]	Area			Onroad [3]	Total
			MA %	County	MA		
2020	0 [1]	-	0.19	3.48	0.0066 (3.3E-06 tons/yr)	-	0.0066 (3.3E-06 tons/yr)

(1) The Exide Technologies facility was shut down in 2014.

(2) No Pb emissions were found in Sullivan County for the Nonroad sector in using the EIS Gateway Tool.

(3) No Pb emissions were found in Sullivan County for the Onroad sector in using the EIS Gateway Tool.

4.2 PROJECTED EMISSIONS

2020 NEI Pb emissions were projected to 2030 and 2035 to demonstrate continued compliance with the 2008 Pb NAAQS. The partial county fraction was calculated as the ratio of human population in the MA to the total population of Sullivan County, which is 0.19, as described in Section 4.1.

The SIP requires a projection of the emissions inventory to at least 10 years from the base year inventory for the second 10-year Maintenance Plan to ensure continued compliance with the 2008 Pb NAAQS. In consultation with U.S. EPA, TDAPC selected the year 2020 as the base year for the second 10-year Maintenance Plan, resulting in future emissions inventory projections for 2030 (interim year) and 2035 (future year), as shown in **Table 5**.

Maintenance is demonstrated when the projected future-year (2035) emission totals are below or at the 2020 base year totals. For the MA, there is no difference in Pb emissions between the base year and projected future years (2030 and 2035), largely because the former Exide Technology facility has not been in operation since 2014 and the growth in area emissions is expected to be negligible.

Table 5 - Pb Emissions Inventory for the Maintenance Area: Base Year 2020 and Projected 2030 and 2035 (tpy)

Source	2020 Base Year	2030 Interim	2035 Maintenance	Safety Margin
Exide	0.01(1)	0.01(2)	0.01(3)	0
TOTAL	0.01	0.01	0.01	0

(1) 2020 base year emissions are to be 0.01 tons per year [area source emissions of 0.0001 tpy (same in 2010) or 0.01 tpy conservatively assessed for growth] and zero-point source emissions since the facility has shut down and surrendered its operating permit(s) on October 30, 2014.

(2) 2030 interim emissions are projected to be [area source emissions of 0.0001 tpy (same in 2010) or 0.01 tpy conservatively assessed for growth] and zero-point source emissions since the facility has shut down and surrendered its operating permit(s) on October 30, 2014.

(3) 2035 emissions are projected to be at the 2020 and 2030 levels (only area source emissions) or below at a rate of (-.5%) employment reductions for industrial growth based on the latest Bureau of Labor Statistics (BLS) 2012-2022 national assessment for industrial growth.

5 MAINTENANCE DEMONSTRATION

The U.S. EPA 1992 guidance states, "a state can generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS."

Because the Bristol lead MA is site-specific, that is, the Maintenance Plan is a site-specific SIP for

the former Exide Technology facility, maintenance can be demonstrated with ambient monitoring and new source review (NSR) permitting requirements. If a new permitted source is located within the MA, compliance with emissions limits and standard operating procedures for point source and fugitive emissions from the Pb maximum achievable control technology (MACT) standard within a NSR permitting program will be utilized to ensure compliance with the 2008 Pb NAAQS.

TDAPC regulations (1200-03) Chapter 9, construction and operating permits, supported by air dispersion modeling, will help demonstrate that any Pb emissions from future sources located in the MA will not cause or contribute to a violation of the 2008 Pb NAAQS.

Maintaining ambient values below the NAAQS is essential for demonstrating maintenance in the area. With current 3-year design values exceeding the NAAQS due to ongoing remediation activity in the Maintenance Area, TDAPC is actively coordinating with TDEC sister agencies (DOR and DSW) to mitigate the potential for future Pb exceedances from temporary remediation activity in the Maintenance area. These sister agencies currently oversee the activity in the area and are committed to coordinating with TDAPC on remediation schedules and mitigation efforts. This coordination allows TDAPC to be aware of and potentially mitigate future Pb exceedances.

6 CONTINGENCY PLANS

Section 175A of the federal Clean Air Act (CAA) requires each maintenance plan to contain contingency provisions that will promptly correct any violations of the NAAQS that occur after an area has been redesignated to Attainment/Maintenance. In accordance with the EPA guidance implementing the requirements of §175A, contingency plans are not required to be fully adopted and take effect without further action by the state but, rather, a plan should ensure that contingency measures are expeditiously adopted when triggered. The contingency plan must also be an enforceable part of the SIP and should identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time constraint on action to be taken by the state. Additionally, the plan should identify specific indicators or triggers that will be used to determine when the contingency measures are to be implemented. The intent of the indicators and triggers is to allow the state to take early action to remedy an actual or potential violation of the 2008 Pb NAAQS.

6.1 CONTINGENCY MEASURES IN THE FIRST 10-YEAR MAINTENANCE PLAN

The contingency measures of the first 10-year maintenance plan are stated in Chapter 6 of the 2016 first 10-year Maintenance Plan, including the following trigger levels:

Requirement 2 of 4 in Chapter 6 of the first 10-Year Maintenance Plan for this MA reads:

CHAPTER 6 – REQUIREMENT 2 OF 4

A commitment to expeditiously enact and implement additional contingency control measures in response to exceeding specified predetermined levels (triggers) or in the event that future violations of the ambient standard occur.

6.2 DEMONSTRATION

Tennessee hereby commits to adopt and expeditiously implement necessary corrective actions in the following circumstances:

Warning Level Response:

A warning level response shall be prompted whenever a lead 3-month rolling average concentration of 0.135 µg/m3 (90% of the standard) occurs within the maintenance area. A warning level response will consist of a study to determine whether the lead value indicates a trend toward higher lead values. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend taking into consideration, ease, and timing for implementation as well as economic and social considerations. Implementation of necessary controls in response to a warning level response trigger will take place as expeditiously as possible, but in no event later than 12 months from the conclusion of the most recent calendar year.

Should it be determined through the warning level study that action is necessary to reverse the noted trend, the procedures for control selection and implementation outlined under “action

level response" shall be followed.

Action Level Response:

An action level response shall be prompted whenever the 3-month rolling average concentration of 0.143 µg/m3 (95% of the standard) or greater occurs within the maintenance area. A violation of the standard (any 3-month rolling average over a 36-month rolling average period (3-calendar years plus the preceding 2 months) exceeds 0.15 µg/m3) shall also prompt an action level response. In the event that the action level is triggered and is not found to be due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, TDAPC in conjunction with the entity(ies) believed to be responsible for the exceedance will evaluate additional control measures needed to assure future attainment of the NAAQS for the lead standard. In this case, measures that can be implemented in a short time will be selected in order to be in place within 18 months from the close of the calendar year that prompted the action level. TDAPC will also consider the timing of an action level trigger and determine if additional, significant new regulations not currently included as part of the maintenance provisions will be implemented in a timely manner and will constitute our response.

6.3 CONTINGENCY MEASURES FOR THE SECOND 10-YEAR MAINTENANCE PLAN

For the purposes of the second 10-year maintenance plan, the contingency measures are different because there is no permitted facility in the maintenance area.

With current design values exceeding the 2008 Pb NAAQS (for 2021-2023), TDAPC commits to minimize fugitive Pb emissions and Pb NAAQS violations through close collaboration with sister TDEC agencies, e.g.,DOR and DSW, during the duration of the 10-year maintenance period. These sister agencies currently oversee remediation activities in the MA. This continued collaboration will help TDAPC be aware of and mitigate Pb impacts of any potential Pb NAAQS exceedances during the maintenance period.

Contingency measure implementation will be triggered by the following condition **A.** as long as the current SLAMS monitor in the MA is operated. If the current SLAMs monitor is removed, the same contingency measure implementation would apply to any future monitor that might be required by the Pb monitoring regulations in 40 CFR Part 58, Appendix D, Section 4.5, as described in Section 2.2.

A. The 0.15 µg/m3 rolling 3-month arithmetic average 2008 Pb NAAQS is exceeded at the ambient air quality monitoring site ID (47-163-3004) impacted by lead emissions from the former Exide facility.

If, at any time during the period of the maintenance plan, trigger condition **A**. occurs, the following contingency measures will be evaluated and implemented as appropriate:

1. Report individual samples exceeding the trigger level to U.S. EPA Region 4 within 30 days of discovery.
2. If trigger levels are exceeded, notify the current owners of the former Exide

Technologies property within 30 days of discovery. Coordinate with TDEC sister agencies to encourage the entity to implement measures to reduce entrainment of Pb associated with these activities. An example measure includes dust suppression by water misting. Coordinate with TDEC sister agencies to provide a remediation plan and schedule to TDAPC within a month of discovering trigger level exceedances.

3. Notify U.S. EPA Region 4 Planning and Monitoring staff of any remediation schedule and plans within a month of becoming aware of the schedule and plans.
4. After trigger levels are observed, ensure monitoring levels decline to background levels below the 2008 Pb NAAQS.

Contingency measure implementation will be triggered by the following condition **B.** whenever a SLAMS monitor is not operated in the MA.

B. Remediation or other dust-releasing activity occurs within the MA.

If, at any time during the period of the maintenance plan, trigger condition **B**. is expected to occur, the following contingency measures will be evaluated and implemented as appropriate:

1. TDAPC will coordinate with TDEC sister agencies to obtain a remediation plan and schedule prior to commencing remediation activity or other dust-releasing activity.
2. TDPAC will coordinate with TDEC sister agencies to encourage the entity to implement measures to reduce entrainment of Pb associated with these activities. An example measure includes dust suppression by water misting.
3. TDAPC will notify U.S. EPA Region 4 Planning and Monitoring staff of any remediation or other dust-releasing activity schedule and plans within a month of becoming aware of the schedule and plans.

If the current SLAMs monitor is removed and monitoring is discontinued, monitoring activities would resume in accordance with regulations in 40 CFR Part 58, Appendix D, Section 4.5.
Section 4.5 requirements are listed in Appendix C of this document. In addition, continued coordination with TDEC sister agencies (DOR and DSW) on remediation activities throughout the second 10-year maintenance period will help support continued maintenance.

7 VERIFICATION OF CONTINUED ATTAINMENT

CAA §110(a)(2)(E) requires States to provide for adequate funding, and legal authority under State law to carry out its SIP-related requirements.

TDAPC has the legal authority and funding necessary to implement control strategies for Pb under rules and regulations provisions in Tennessee's Air Pollution Control Regulations (TAPCR) (1200-03 and 0400-30) to verify continued attainment with the 2008 Pb NAAQS.

Tennessee updates its comprehensive inventory in accordance with the U.S.EPA's AERR rule (i.e.,

emissions statements). As discussed in Section 4, TDAPC submits, and commits to submit, emission inventories (statements) every three years in addition to a yearly submission by December 31 for certain sources depending on their emissions thresholds (i.e., mega sources).

Any facility that is not listed in the latest emission inventory, or for the closing of which credit was taken in demonstrating attainment, will not be allowed to construct, reopen, modify, or reconstruct without meeting all applicable state and federal new source review (NSR) requirements including dispersion modeling analyses to assess the impact of these sources. TDAPC will implement NSR through the state permitting program.

Tennessee commits to attain and maintain the Pb NAAQS for the area and will require control measures for future sources coming to the area unless the State demonstrates through modeling that the standard can be maintained without one or more control measures.

Tennessee commits to coordinate with TDEC sister agencies overseeing remediation activities (DOR and DSW) to minimize the impact of fugitive emissions on Pb in this MA during the duration of the second 10-year maintenance period.

Tennessee, through TDAPC's enforcement program and Office of General Counsel, has the legal authority and necessary resources to actively enforce any violations of its rules or permit provisions. It intends to continue enforcing all rules that relate to the emission of Pb in the MA.

Currently, there are no industrial Pb emission sources located in the MA since the Exide Technologies facility shut down and surrender its operating permit in October 2014.

8 AGREED ORDER

To make the contingency measures in the second 10-year maintenance plan legally enforceable, the TN APC Board has adopted Agreed Order Docket No. xxxxx, which is attached as Appendix D, as a part of the SIP for Pb.

9 CONCLUSIONS

During July 2016, the U.S. EPA approved Tennessee's redesignation request and first 10-year maintenance plan for the Bristol Pb MA which met the requirements of Section 110 (a) (1) of the 1990 CAA. The required second 10-year maintenance plan for this MA is in this document.

Until recent remediation activity, TDAPC monitoring demonstrated sustained air quality improvements over the previous 10-year period, aligning with permanent and enforceable measures (i.e., the shutdown of the former Exide facility). Since the former Exide facility ceased operations in 2014, no permitted facility has operated in the MA. Thus, point source emissions are not expected to contribute to Pb emissions unless a new source with Pb emissions is permitted in the MA. If a new source with Pb emissions locates to the MA, TDAPC will follow all regulatory permitting and reporting requirements to ensure Pb emissions do not trigger future NAAQS violations.

Given the recent Pb NAAQS violations from temporary remediation activity, TDAPC is closely coordinating with TDEC sister agencies overseeing remediation work to mitigate future Pb

exceedances. Additionally, contingency measures, such as dust suppression, have been established and will support prompt mitigation of future NAAQS exceedances if thresholds are exceeded. These combined activities, including proactively coordinating on remediation activities and implementing contingency measures, when necessary, will help TDAPC maintain clean air in the MA.

The State of Tennessee hereby requests that the second 10-year maintenance plan for the MA be approved in accordance with the U.S. EPA. SIP approval of the maintenance plan provisions as contained herein.

Appendix A: 2020 NEI v2 - Sullivan County Lead (Pb) Point and Area Source Emissions

SULLIVAN COUNTY 2020 NEI – POINT SOURCE EMISSIONS BY RELEASE POINT

rel pt1 latitude	rel pt1 longitude	stack height (ft)	stack diameter (ft)	exit gas temp (f)	exit gas velocity	exit gas velocity uom	exit gas flow rate	exit gas flow uom	pollutant code	total emissions	emissions uom	Base Year: 2020 (TON)	Interim Year: 2030	Future Year: 2035
36.5491	-82.5672	276	11	313	47.7	FPS	4533.1	ACFS	7439921	3.118604	LB	0.001559302	0.053836756	0.316339338
36.5491	-82.5672	198	10.3	340	40.4	FPS	3364.53851	ACFS	7439921	12.081244	LB	0.006040622	0.208559657	1.225475478
36.5491	-82.5672	188	4	200	25.3	FPS	317.9	ACFS	7439921	0.3950232	LB	0.000197512	0.006819323	0.040069652
36.4435	-82.5235	42.2	2.67	200	1.5	FPS	8.37967	ACFS	7439921	0.00510608	LB	2.55304E-06	8.81467E-05	0.000517941
36.52222	-82.5411	125	2.5	700	70	FPS	343.4	ACFS	7439921	0	LB	0	0	0
36.52222	-82.5411	75	3.5	431	5098.987	FPM	49058	ACFM	7439921	0.833208	LB	0.000416604	0.014383748	0.084517453
36.52222	-82.5411	105	4	390	32.2	FPS	396.4	ACFS	7439921	0.61943	LB	0.000309715	0.010693279	0.062832625
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.1046	LB	0.0000523	0.00180572	0.010610226
36.52222	-82.5411	70	6	400	49	FPS	1384.7	ACFS	7439921	0	LB	0	0	0
36.52222	-82.5411	50	3.5	198	54	FPS	519.3	ACFS	7439921	0.1254	LB	0.0000627	0.002164792	0.012720099
36.52222	-82.5411	230	14	337	61	FPS	9385.5	ACFS	7439921	43.986	LB	0.021993	0.759334474	4.461772675
		113	1.16	637	52.1	FPS	3341	ACFM	7439921	0.00061	LB	0.000000305	1.05305E-05	6.18761E-05
36.52222	-82.5411	37	5	150	44.9	FPS	881.2	ACFS	7439921	0.08434	LB	0.00004217	0.001455969	0.008555129
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.03652	LB	0.00001826	0.000630448	0.00370445
36.52222	-82.5411	50	3.5	198	54	FPS	519.3	ACFS	7439921	0.02	LB	0.00001	0.000345262	0.002028724
36.52222	-82.5411	35	1.75	630	1132.923	FPM	2725	ACFM	7439921	0.015458	LB	0.000007729	0.000266853	0.001568001
36.52222	-82.5411	250	8	295	55	FPS	2763.2	ACFS	7439921	11.006	LB	0.005503	0.189997618	1.116406813
36.52222	-82.5411	375	10	160	119	FPS	9341.5	ACFS	7439921	26.999	LB	0.0134995	0.466086288	2.738675952
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.0544	LB	0.0000272	0.000939112	0.005518129
36.52222	-82.5411	200	10	167	18	FPS	1413	ACFS	7439921	0.12	LB	0.00006	0.002071571	0.012172344
36.52222	-82.5411	250	1	1295	116	FPS	91.1	ACFS	7439921	0.010236	LB	0.000005118	0.000176705	0.001038301
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.1602	LB	0.0000801	0.002765548	0.016250079
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.1584	LB	0.0000792	0.002734474	0.016067494
36.52222	-82.5411	62	1.4	75	16	FPS	24.6	ACFS	7439921	0.11914	LB	0.00005957	0.002056725	0.012085109
36.4379	-82.2888	40	5	520	10.4	FPS	204.20399	ACFS	7439921	0.208454	LB	0.000104227	0.003598561	0.021144782
36.4379	-82.2888	38	1.67	400	16.3	FPS	35.70355	ACFS	7439921	0.0452704	LB	2.26352E-05	0.000781507	0.004592057
36.4379	-82.2888	53	2	502	4.094	FPS	12.86168	ACFS	7439921	0.071064	LB	0.000035532	0.001226785	0.007208462
36.479	-82.411								7439921	108.79415	LB	0.054397075	1.878123692	11.03566511
											Total	**0.104585929**	**3.610953545**	**3.715539474**

SULLIVAN COUNTY 2020 NEI – AREA AND POINT SOURCE EMISSIONS BY SECTOR

sector	data category	total emissions	emissions uom	Base Year: 2020(TON)	Interim Year: 2030	Future Year: 2035
Fires - Prescribed Fires	Area	1.50572	LB	0.00075286	0.001504971	0.002211296
Fires - Wildfires	Area	0.09366	LB	0.00004683	9.36134E-05	0.000137549
Fuel Comb - Comm/Institutional - Coal	Area	0	LB	0	0	0
Fuel Comb - Comm/Institutional - Natural Gas	Area	0.2066142	LB	0.000103307	8.49221E-08	1.64086E-09
Fuel Comb - Comm/Institutional - Oil	Area	0	LB	0	0	0
Fuel Comb - Comm/Institutional - Other	Area	0.01108774	LB	5.54387E-06	5.30531E-08	4.00855E-09
Fuel Comb - Industrial Boilers, ICEs - Coal	Area	0	LB	0	0	0
Fuel Comb - Industrial Boilers, ICEs - Natural Gas	Area	0.5591996	LB	0.0002796	1.92543E-08	9.38208E-11
Fuel Comb - Industrial Boilers, ICEs - Oil	Area	0.008674978	LB	4.33749E-06	2.76793E-17	1.6698E-23
Fuel Comb - Residential - Oil	Area	0.13241804	LB	6.6209E-05	7.65238E-08	1.78675E-09
Fuel Comb - Residential - Other	Area	0	LB	0	0	0
Gas Stations	Area	0.12192185	LB	6.09609E-05	1.34565E-06	1.61758E-07
Miscellaneous Non-Industrial NEC	Area	0.840025608	LB	0.000420013	0.011029672	0.067773921
			Total	**0.001739661**	**0.012629835**	**0.014369496**
sector	data category	total emissions	emissions uom	2020	2030	2035
Fuel Comb - Comm/Institutional - Natural Gas	Point	0.3247884	LB	0.000162394	0.000162394	0.000162394
Fuel Comb - Industrial Boilers, ICEs - Biomass	Point	12.081244	LB	0.006040622	0.006040622	0.006040622
Fuel Comb - Industrial Boilers, ICEs - Coal	Point	70.985	LB	0.0354925	0.059208127	0.076472219
Fuel Comb - Industrial Boilers, ICEs - Natural Gas	Point	11.64599408	LB	0.005822997	0.011554811	0.016276874
Industrial Processes - Chemical Manuf	Point	1.551418	LB	0.000775709	0.006068021	0.016971537
Industrial Processes - Petroleum Refineries	Point	0.010236	LB	0.000005118	3.83768E-07	1.05088E-07
Industrial Processes - Pulp & Paper	Point	3.5136272	LB	0.001756814	0.001756814	0.001756814
Mobile - Aircraft	Point	108.79415	LB	0.054397075	0.054397075	0.054397075
Waste Disposal	Point	0.2654	LB	0.0001327	0.011787783	0.111099663
			Total	**0.104585929**	**0.150976031**	**0.283177303**

Appendix B: Air Quality System (AQS) Pb Monitoring Data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2014

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	1st Max	2nd Max	3rd Max	4th Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
61	.	.	.	0.172	0.036	0.035	0.031	Included	1	471633001	364 Exide Dr.	Bristol	Sullivan	TN	04
61	.	.	.	0.035	0.03	0.03	0.03	Included	1	471633002	364 Exide Dr. On Exide Property	Bristol	Sullivan	TN	04
61	.	.	.	0.03	0.03	0.03	0.03	Included	2	471633002	364 Exide Dr. On Exide Property	Bristol	Sullivan	TN	04
61	.	.	.	0.051	0.03	0.03	0.03	Included	1	471633003	364 Exide Dr.	Bristol	Sullivan	TN	04
53	12	0	1	0.006	0.006	0.006	0.006	None	1	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04
56	12	0	1	0.006	0.006	0.006	0.005	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2015

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
20	.	.	.	0.077	0.036	0.021	0.02	Included	1	471633001	364 Exide Dr.	Bristol	Sullivan	TN	04
20	.	.	.	0.05	0.022	0.021	0.02	Included	1	471633002	364 Exide Dr. On	Bristol	Sullivan	TN	04
17	.	.	.	0.047	0.03	0.022	0.021	Included	2	471633002	364 Exide Dr. On	Bristol	Sullivan	TN	04
20	.	.	.	0.054	0.038	0.018	0.018	Included	1	471633003	364 Exide Dr.	Bristol	Sullivan	TN	04
52	11	0.01	1	0.039	0.031	0.031	0.013	None	1	471633004	364 Exide Dr	Bristol	Sullivan	TN	04
48	11	0.01	1	0.012	0.01	0.01	0.008	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2016

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
59	12	0	1	0.007	0.006	0.006	0.005	None	1	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04
53	12	0	1	0.009	0.006	0.005	0.005	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2017

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
32	11	0	1	0.008	0.006	0.005	0.004	None	1	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04
54	11	0	1	0.014	0.01	0.006	0.005	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2018

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
56	12	0	1	0.028	0.012	0.006	0.004	None	1	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04
57	12	0	1	0.024	0.013	0.005	0.005	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2019

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
60	12	0	1	0.024	0.011	0.007	0.005	None	1	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04
54	12	0	1	0.025	0.011	0.008	0.006	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2020

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
57	12	0	1	0.008	0.005	0.004	0.004	None	1	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04
52	12	0	1	0.008	0.008	0.004	0.004	None	2	471633004	364 Exide Dr Bristol Tn 37620	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2021

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
58	12	0.07	10	0.795	0.09	0.08	0.059	None	1	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04
56	12	0.07	10	0.775	0.082	0.076	0.055	None	2	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2022

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
61	12	0.04	3	0.179	0.149	0.138	0.064	None	1	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04
57	12	0.04	3	0.182	0.152	0.147	0.064	None	2	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Geographic Area: Tennessee

Pollutant: Pb

Year: 2023

Exceptional Events: Included (if any)

Obs	Valid Months	Max 3mo Avg	Month of Max	First Max	Second Max	Third Max	Fourth Max	Exc Events	Monitor Number	Site ID	Address	City	County	State	EPA Region
60	12	0.26	12	1.147	0.722	0.490	0.471	None	1	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04
52	12	0.26	12	0.726	0.530	0.496	0.394	None	2	471633004	364 Exide Dr Bristol Tn	Bristol	Sullivan	TN	04

*Max 3 Month Avg determined by POC 1 data

Appendix C: Appendix D to 40 CFR 58, Section 4.5: Lead (Pb) Design Criteria

https://www.ecfr.gov/current/title-40/part-58/appendix-Appendix D to Part 58

(a) State and, where appropriate, local agencies are required to conduct ambient air Pb monitoring near Pb sources which are expected to or have been shown to contribute to a maximum Pb concentration in ambient air in excess of the NAAQS, taking into account the logistics and potential for population exposure. At a minimum, there must be one source-oriented SLAMS site located to measure the maximum Pb concentration in ambient air resulting from each non-airport Pb source which emits 0.50 or more tons per year and from each airport which emits 1.0 or more tons per year based on either the most recent National Emission Inventory (http://www.epa.gov/ttn/chief/eiinformation.html) or other scientifically justifiable methods and data (such as improved emissions factors or site-specific data) taking into account logistics and the potential for population exposure.

(i) One monitor may be used to meet the requirement in paragraph 4.5(a) for all sources involved when the location of the maximum Pb concentration due to one Pb source is expected to also be impacted by Pb emissions from a nearby source (or multiple sources). This monitor must be sited, taking into account logistics and the potential for population exposure, where the Pb concentration from all sources combined is expected to be at its maximum.

(ii) The Regional Administrator may waive the requirement in paragraph 4.5(a) for monitoring near Pb sources if the State or, where appropriate, local agency can demonstrate the Pb source will not contribute to a maximum Pb concentration in ambient air in excess of 50 percent of the NAAQS (based on historical monitoring data, modeling, or other means). The waiver must be renewed once every 5 years as part of the network assessment required under §58.10(d).

(iii) State and, where appropriate, local agencies are required to conduct ambient air Pb monitoring near each of the airports listed in Table D–3A for a period of 12 consecutive months commencing no later than December 27, 2011. Monitors shall be sited to measure the maximum Pb concentration in ambient air, taking into

account logistics and the potential for population exposure, and shall use an approved Pb-TSP Federal Reference Method or Federal Equivalent Method. Any monitor that exceeds 50 percent of the Pb NAAQS on a rolling 3-month average (as determined according to 40 CFR part 50, Appendix R) shall become a required monitor under paragraph 4.5(c) of this Appendix, and shall continue to monitor for Pb unless a waiver is granted allowing it to stop operating as allowed by the provisions in paragraph 4.5(a)(ii) of this appendix. Data collected shall be submitted to the Air Quality System database according to the requirements of 40 CFR part 58.16.

Table D–3A Airports To Be Monitored for Lead

Airport	County	State
Merrill Field	Anchorage	AK
Pryor Field Regional	Limestone	AL
Palo Alto Airport of Santa Clara County	Santa Clara	CA
McClellan-Palomar	San Diego	CA
Reid-Hillview	Santa Clara	CA
Gillespie Field	San Diego	CA
San Carlos	San Mateo	CA

Nantucket Memorial	Nantucket	MA
Oakland County International	Oakland	MI
Republic	Suffolk	NY
Brookhaven	Suffolk	NY
Stinson Municipal	Bexar	TX
Northwest Regional	Denton	TX
Harvey Field	Snohomish	WA
Auburn Municipal	King	WA

(b) [Reserved]

(c) The EPA Regional Administrator may require additional monitoring beyond the minimum monitoring requirements contained in paragraph 4.5(a) of this appendix where the likelihood of Pb air quality violations is significant or where the emissions density, topography, or population locations are complex and varied. The EPA Regional Administrators may require additional monitoring at locations including, but notlimited to, those near existing additional industrial sources of Pb, recently closed industrial sources of Pb, airports where piston-engine aircraft emit Pb, and other sources of re- entrained Pb dust.

(d) The most important spatial scales for source-oriented sites to effectively characterize the emissions from point sources are microscale and middle scale. The most important spatial scale for non-source-oriented sites to characterize typical lead concentrations in urban areas is the neighborhood scale. Monitor siting should be conducted in accordance with 4.5(a)(i) with respect to source-oriented sites.

(1) Microscale—This scale would typify areas in close proximity to lead point sources. Emissions from point sources such as primary and secondary lead

smelters, and primary copper smelters may under fumigation conditions likewise result in high ground level concentrations at the microscale. In the latter case, the microscale would represent an area impacted by the plume with dimensions extending up to approximately 100 meters. Pb monitors in areas where the public has access, and particularly children have access, are desirable because of the higher sensitivity of children to exposures of elevated Pb concentrations.

(2) Middle scale—This scale generally represents Pb air quality levels in areas up to several city blocks in size with dimensions on the order of approximately 100 meters to 500 meters. The middle scale may for example, include schools and playgrounds in center city areas which are close to major Pb point sources. Pb monitors in such areas are desirable because of the higher sensitivity of children to exposures of elevated Pb concentrations (reference 3 of this appendix). Emissions from point sources frequently impact on areas at which single sites may be located to measure concentrations representing middle spatial scales.

(3) Neighborhood scale—The neighborhood scale would characterize air quality conditions throughout some relatively uniform land use areas with dimensions in the 0.5-to-4.0-kilometer range. Sites of this scale would provide monitoring data in areas representing conditions where children live and play. Monitoring in such areas is important since this segment of the population is more susceptible to the effects of Pb. Where a neighborhood site is located away from immediate Pb sources, the site may be very useful in representing typical air quality values for a larger residential area, and therefore suitable for population exposure and trends analyses.

(e) Technical guidance is found in references 4 and 5 of this appendix. These documents provide additional guidance on locating sites to meet specific urban area monitoring objectives and should be used in locating new sites or evaluating the adequacy of existing sites.

Appendix D: TN APC Board Order

Appendix E: Public Participation

The following are TDAPC response to EPA Region IV

comments dated October 29, 2024

Comment #1:

1. The Bristol lead (Pb) monitoring site (AQS ID: 47-163-3004) is currently violating the 2008 Pb standard based on a certified 2021–2023 design value of 0.26 micrograms per cubic meter (μg/m^3). In accordance with Clean Air Act (CAA) section 175A(b), the EPA requests that Tennessee explain how continued maintenance of the 2008 Pb standard can be demonstrated for 10 years after the expiration of the first 10-year maintenance period. Relatedly, in accordance with CAA section 175A(d), please explain how the proposed contingency measures assure that the State will promptly correct any violation of the 2008 Pb standard in the Bristol Area.

Division's Response to Comment #1:

As discussed in Section 3.1 (Air Quality) of the Maintenance Plan, temporary remediation efforts led to the most recent design value exceeding the 2008 Pb NAAQS. These efforts specifically target the remediation of two Warehouses (Warehouse C and D) and have been overseen by TDEC sister agencies, the Divisions of Remediation (DOR) and Solid Waste (DSW), since 2021. All remediation activities comply with state and OSHA regulations.

To date, remediation at Warehouse C is complete and has been approved for its next intended reuse by the TN DOR since March 23, 2022 **(Attachment A**). In Attachment A, final remediation reports indicate indoor Pb values have declined below the OSHA standard in Warehouse C, making it safe for its next intended reuse. For Warehouse D, remediation efforts are ongoing and will be complete once the floor is encapsulated and indoor Pb returns to OSHA standards (**Attachment B**). TN DAPC commits to informing EPA when the remediation of Warehouse D is complete.

Maintaining ambient Pb levels in compliance with the NAAQS is an essential part of demonstrating continued maintenance in the area. To support this, TDAPC is committed

to monitoring ambient Pb in the area to ensure design values return to background levels and consistently meet the 2008 Pb NAAQS. If ambient Pb values exceed a three-month rolling average value of 0.15 ug/m3 during the 10-year Maintenance period, contingency measures as described in the Maintenance Plan will be triggered. Under these circumstances, TDAPC will coordinate with the EPA and TDEC sister agencies to encourage the prompt implementation of control measures (i.e., water misting) to mitigate ambient Pb, and to provide a schedule of the remediation activity. TDAPC believes this specific coordination will promptly resolve potential Pb impacts and maintain ambient levels below the 2008 NAAQS.

Without formal authority over the ongoing or future remediation efforts in the Maintenance Area, TDAPC will rely upon frequent coordination with TDEC entities (DOR and DSW) during active remediation and throughout the duration of the second 10-year maintenance period. Additionally, the current owners of the former Exide facility are enrolled in TDEC DOR's Voluntary Oversight and Assistance Program (VOAP) and have proactively committed to following best remediation practices in the area (**Attachment C**). This continued partnership with our sister agencies, who oversee remediation activity in the area, will allow TDAPC to become aware of and mitigate future Pb exceedances in a timely fashion. An additional paragraph has been added to Section 6.3 to discuss our continued coordination with other TDEC agencies.

Comment #2:

2. Tennessee's maintenance plan prehearing indicates that remediation activities within the maintenance area are taking place on the property, and the EPA understands that Pb emissions from these activities caused the national ambient air quality standards (NAAQS) violation mentioned in the key comment above. Please explain.

Division's Response to Comment #2:

Please see the response to Comment #1 in addressing the remediation work.

Comment #3:

3. The maintenance plan prehearing contemplates a future scenario in which the current state and local air monitoring system (SLAMS) monitor is discontinued during the 2nd maintenance plan timeframe with the EPA's approval. Under 40 CFR 58.14, if a SLAMS monitor is specifically required by a maintenance plan, the EPA cannot approve a request to discontinue operation of the monitor through the annual air monitoring network plan. The EPA suggests that TDEC clarify whether the air agency intended to convey that a SLAMS Pb monitor is required for the State to demonstrate

continued maintenance of the Pb NAAQS in the Bristol Area through the 2nd maintenance period.

Division's Response to Comment #3:

TDAPC believes Pb monitoring is necessary and important until monitored design values comply with the Pb NAAQS. However, with no permitted facilities in the area, we believe that petitioning for the removal of the ambient Pb monitoring station during the 10-year Maintenance Plan is reasonable if compliance with the Pb NAAQS is achieved and there are no foreseeable activities expected to result in Pb NAAQS violations. Under these circumstances, TDAPC will actively coordinate with EPA to petition monitor discontinuation in accordance with 40 CFR Part 58. If discontinuation is approvable by the EPA, TDAPC will appropriately justify the removal of the monitoring station and provide public notification of the proposed ambient monitoring network revision in accordance with 50 CFR Part 58. TDAPC will continue monitoring in the Maintenance Area according to 40 CFR Part 58 until EPA's provides approval.

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation, Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, Tennessee 37921

March 23, 2023

Brad Glisson, CHMM
Assistant Vice President, Environmental Scientist
WSP USA
216 Centerview Drive, Suite 300
Brentwood, TN 37027

Subject: **Former Exide Facility, Warehouse C**
Operations & Maintenance Program
TDEC-DoR Site ID 82-589A

Dear Mr. Glisson:

Thank you for responding to our comments regarding the Cleaning Sampling Results in Warehouse C of the Former Exide Facility and for providing a written Operations & Maintenance Program for the same space to be used going forward. After review and further discussion with you via telephone, the Division approves the O&M Program. Regarding the Annex to Warehouse C, since it is reportedly not part of the former operations and sampling indicates no lead levels above the agreed upon standard, the division takes no issue with using it to house the current inventory and facilitate the clearing out of Warehouse C so assessment work can be completed there. Please be mindful of any damage that may occur to the floor coating during these operations as to avoid potential cross-contamination.

Please keep me apprised of activities at the site so I may have the opportunity to observe. I can be reached at Justin.Fisher@tn.gov or 865-594-5466 if you have any questions or I can assist you in any way on this project.

Sincerely,

Justin Fisher, CPSS, CHMM

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation, Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, Tennessee 37921

August 7, 2024

Mr. David Marks
Phoenix Redevelopment Bristol, LLC
401 East Kilbourn Avenue, Suite 201
Milwaukee, WI 53202

Subject: Warehouse D, Post Cleaning Sampling Results
Phoenix Redevelopment Bristol, LLC
Former Exide Technologies Facility, DoR #82-589A
Bristol, Tennessee

Dear Mr. Marks:

The Division of Remediation has reviewed the above referenced report, dated July 2, 2024, and prepared by S&ME, Inc. While the results identify exceedances in samples collected from walls (4 samples), ceilings (2 samples) and floors (39 samples), the re-cleaning of the walls and ceiling were successful in reducing lead concentrations as reported following confirmation samples collected and analyzed post cleaning. The report states the floor will be encapsulated with concrete and epoxy to ensure there is no exposure from lead dust remaining; however, no plan of the process or the timeline for encapsulation was included in the report.

Prior to occupancy of Warehouse D, please submit a plan for encapsulation of the floor throughout the warehouse, including confirmation sampling to prove successful encapsulation. Once reviewed and approved by TDEC, the Warehouse can be utilized for re-occupancy. I look forward to working with you for the remainder of this project.

Thank you for your continued cooperation and for ensuring the site is redeveloped with the protection of both public health and the environment in mind. If you have any questions, please do not hesitate to contact me at (865) 863-0270 or Christina.McNaughton@tn.gov.

Sincerely,

Christina McNaughton

Christina R. McNaughton, PhD
East Tennessee Regional Manager
TDEC Division of Remediation
Knoxville Environmental Field Office

Cc: Brad Glisson (WSP Environmental)
Frank Crivello (Phoenix Redevelopment Bristol)

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

March 2, 2021

Mr. David Marks
Phoenix Redevelopment Bristol, LLC
401 East Kilbourn Avenue, Suite 201
Milwaukee, WI 53202

Re: ***Voluntary Program Acceptance***
Former Exide Bristol
364 Exide Drive
Bristol, TN 37620
DoR Site ID 82-589A

Dear Mr. Marks:

The Tennessee Division of Remediation approves the above referenced application and accepts the Former Exide Bristol site into the Voluntary Program. We look forward to working with you to address the site and providing for its protective and productive reuse.

Mr. Chris Andel has been assigned as Project Manager for this site and can be reached at (865) 594-5444 or by e-mail at Chris.Andel@tn.gov. He will contact you to discuss the specifics of moving this site forward through the Voluntary Program.

Sincerely,

Evan W. Spann
Deputy Director
Field Office Operations

Cc: Knoxville Regional Office
efile
Financial File

Department of Environment & Conservation

Bristol Area
Lead 2nd Maintenance Plan

Michelle Oakes, Ph.D., Environmental Manager

Nonattainment Area

- On November 12, 2008, EPA promulgated a revised Lead (Pb) National Ambient Air Quality Standard (NAAQS) of 0.15 ug/m3.

- In 2010, EPA designated a 1.25km radius around the former Exide Technologies battery manufacturing facility as nonattainment for the Pb NAAQS based on violating monitoring data.

Request for Redesignation

- In October 2014, Exide Technologies discontinued operations and subsequently surrendered its permit.

- On July 10, 2015, TDEC submitted a redesignation request for the 2008 Pb NAAQS as well as a maintenance plan for the Bristol area.

Redesignation of the Non-Attainment Area

- On July 7, 2016, EPA approved this redesignation request and first maintenance plan, with an effective data of August 8, 2016.

- The Second Maintenance Plan is due 8 years after effective date of redesignation (August 8, 2024).

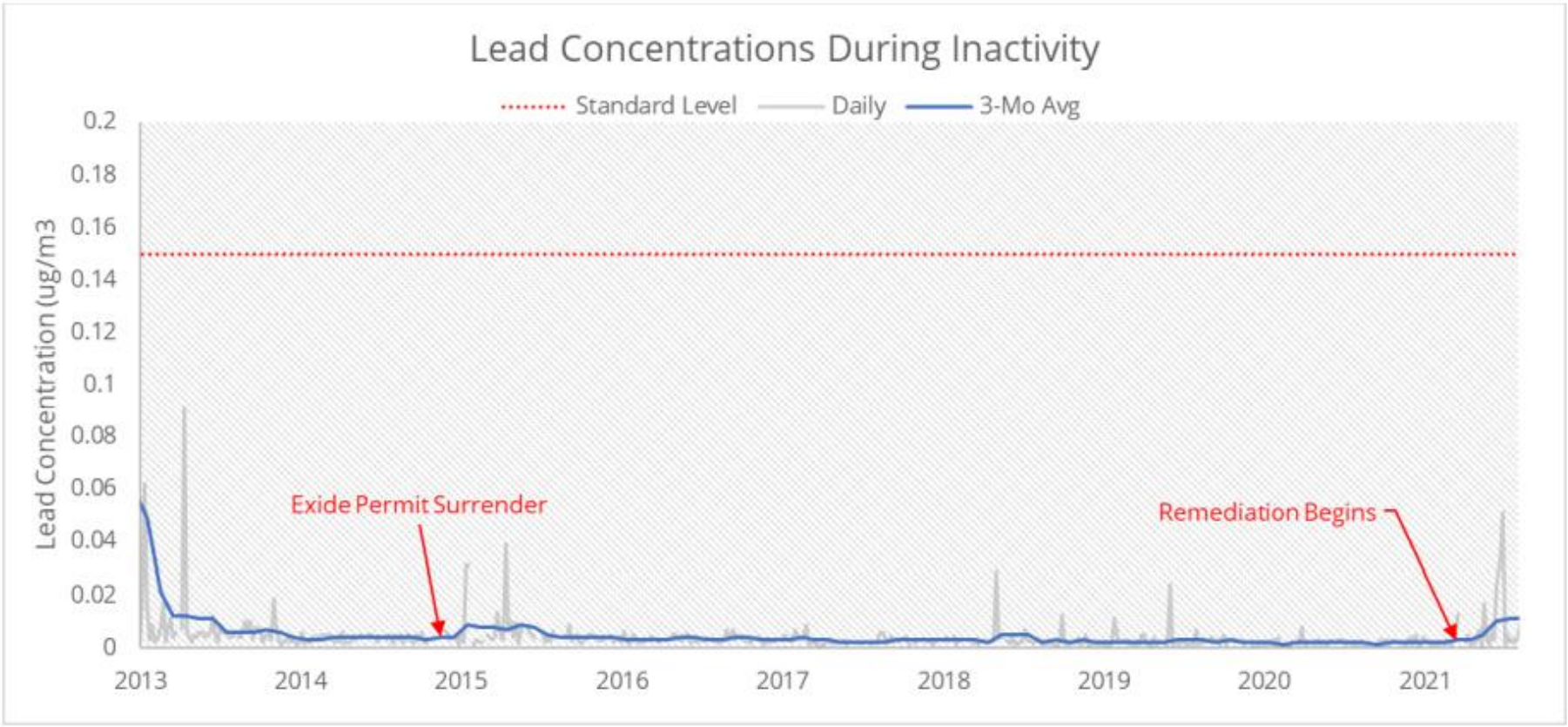
Monitoring Network and Data

- TDEC operates a monitoring network near the former Exide Technologies facility.

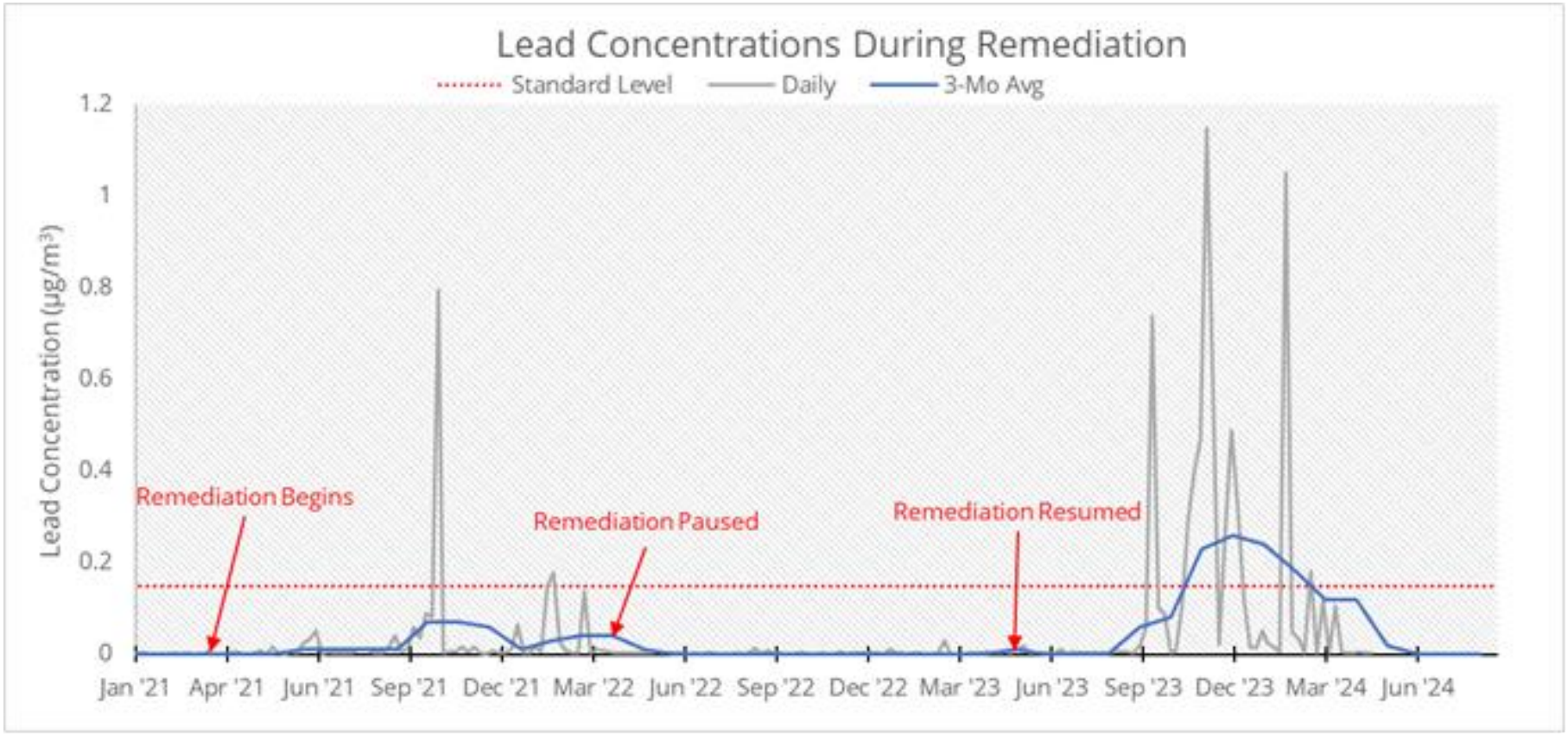
- Prior to recent remediation activity, Pb concentrations decreased since the facility's discontinuation in 2014.

- In 2021, a third-party began remediation efforts on the former Exide Technology facility location, resulting in temporary, high Pb concentrations.

Monitored Pb Prior to Remediation



Monitored Pb including Remediation



Monitored Pb Trends

Year	2011-2013	2012-2014	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020	2019-2021	2020-2022	2021-2023
Design Value	0.08	0.07	0.05	0.01	0.01	0	0	0	0.07	0.07	0.26

- Monitored Trends display that data complied with the 2008 Pb NAAQS until recent remediation activity.
- Design values are calculated from the highest 3-month rolling average in a 3-year period.
- Design values are used to assess NAAQS compliance.

Plan for Pb Monitoring

- TDEC is committed to monitoring at this site per regulatory guidelines until NAAQS compliance is achieved.

- If NAAQS compliance is achieved and no future emissions in the area are expected to result in Pb exceedances, the Division will petition removal of the monitor to EPA.

- If petition is approved by the EPA, the Division will work with EPA to discontinue monitoring following regulatory requirements.

Second Maintenance Plan

- Emission Inventories
  - Pb emissions for the Maintenance Area
  - Base Year: 2020
  - Future Years: 2030, 2035

- Maintenance is demonstrated when future year emissions are less than or the same as base year emissions

Base Year Emissions Inventory (lb/year)

Year	Point	Nonroad	Area	Onroad	Total
2020	0	0	0.0066	0	0.0066

- Since Exide surrendered its permit, there are no point source Pb emissions in the Maintenance Area.
- Base Year emissions in the Maintenance Area are near zero.

Continued Maintenance

- Future year (2035) emissions are the same as the base year (2020) emissions since there is no operating facility in the Maintenance Area.

- From an emissions standpoint, continued maintenance is demonstrated since future year emissions are the same as the base year inventory.

Contingency Measures

- Contingency measures
  - Control measures that could be put in place if air quality violated NAAQS

Contingency Measures

- Since there is an operating monitor and there is no permitted source in the Maintenance Area, contingency measures are based on monitoring data.

- With ongoing violations due to remediation activities, TDEC commits to the following measures as long as a monitoring network is in place.
  - Reporting Pb NAAQS exceedances to U.S. EPA
  - Notifying remediation, third-party entity of exceedances
  - Encouraging remediation, third-party entity to adopt a remediation plan and efforts to reduce Pb
  - Ensuring high levels return to sustained background levels

Contingency Measures w/out Monitoring

- If monitoring is discontinued, contingency measures will be coordination with TDEC agencies on remediation activities during the maintenance plan period.

- This will help mitigate future Pb NAAQS exceedances as well as verify continued attainment.

Schedule

Event	Date
APC Board Briefing	June 12, 2024
Public Notice	June 2024
Public Hearing	August 2024
APC Board Vote	January 2025
Submit final SIP to EPA	January 2025

Questions

Michelle Oakes, Ph.D.

Environmental Manager

Tennessee Department of Environment and Conservation

Division of Air Pollution Control

Michelle.oakes@tn.gov

(615) 253-9944

Department of Environment & Conservation

STATE OF TENNESSEE

Redesignation Request for the Sullivan County SO_2 Nonattainment Area

January 8, 2025

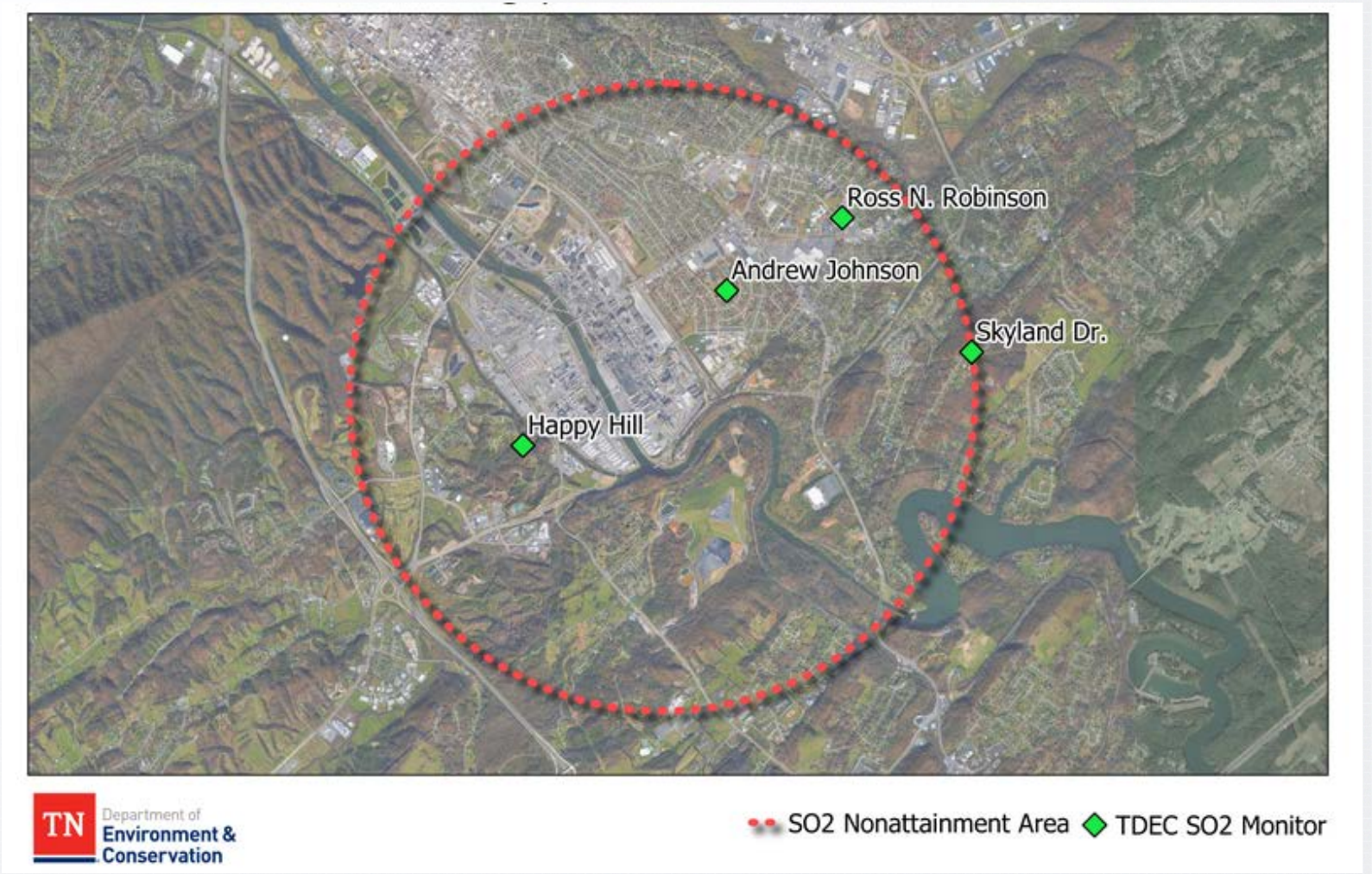
Background

- The Kingsport SO_2 nonattainment area includes the portion of Sullivan County encompassing a 3-km circle centered at Eastman Chemical Company's B-253 powerhouse.

- Between 2008 and 2010, air quality monitoring indicated that ambient SO_2 concentrations in the area exceeded the 75 ppb one-hour SO_2 National Ambient Air Quality Standard (NAAQS), and EPA designated the area as nonattainment for the SO_2 NAAQS, on October 4, 2013.

- Tennessee submitted attainment demonstrations in 2017 and 2023 and projected that the area would attain the NAAQS based on SO_2 reductions achieved by repowering ~~of~~ one Eastman powerhouse from coal to natural gas and from the installation of dry sorbent injection (DSI) controls on Eastman's largest remaining uncontrolled boilers.

Sullivan County Nonattainment Area

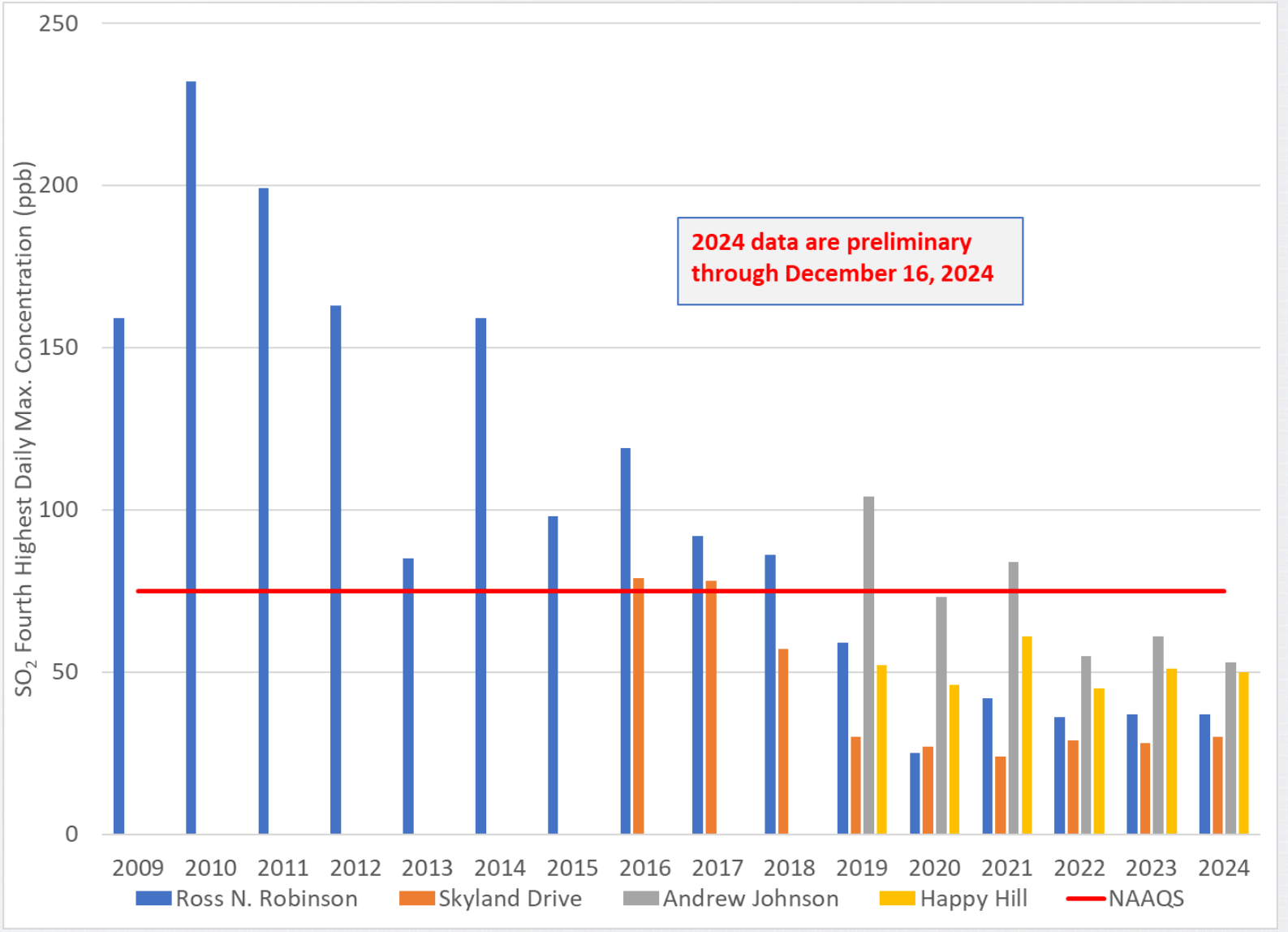


Overview of Redesignation Request

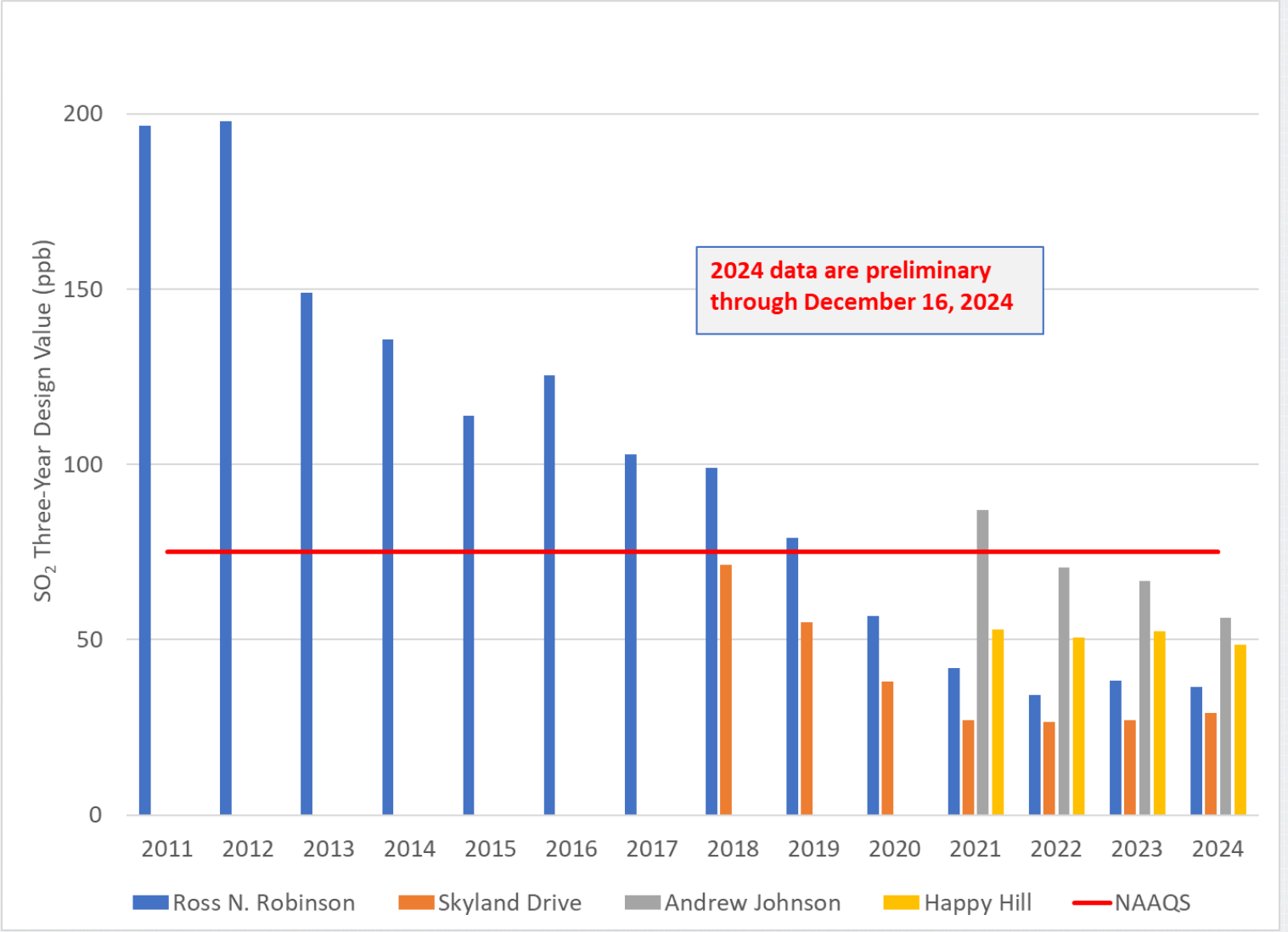
- Tennessee is petitioning EPA for redesignation of the Sullivan County nonattainment area to attainment for SO_2 NAAQS, based on an attaining design value for 2020-2022 (three-year design value less than 75 ppb) at each monitor in the nonattainment area.

- The petition demonstrates that area has attained the NAAQS and that the observed reduction in SO_2 levels is due to permanent and enforceable emission reductions.

SO_2 Trends, 2009-2024



SO_2 Design Value Trends, 2011-2024



Eastman Chemical Company Boilers

Permanent and Enforceable Emission Reductions

- An area can only be redesignated to attainment if the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of a control strategy, Federal regulations, and other permanent and enforceable reductions;

- Attainment of the NAAQS was achieved by repowering Eastman's B-253 boilers from coal to natural gas operation between 2013 and 2017 and by installation of controls (dry sorbent injection) on Eastman's two largest B-83 boilers. A temporary DSI began operation in 2019, and a permanent system was installed in 2021.

- The redesignation request also incorporates existing source-specific emission limits for Eastman Chemical Company and Primester and revises a source-specific limit for Eastman's coal gasification flare based on discussions with EPA.

SIP Emission Limits

Emission Source	SO_2 Emission Limit
Coal-Fired Boilers (Combined Limit for B-83 and B-325)	1,248 lb/hr (30-day rolling average)
Coal Gasification Incinerator (B-334)	21.8 lb/hr (24-hr block average)
Coal Gasification Flare (B-351)	16.28 lb/hr (30-day rolling average), 48 tons per 12 consecutive months
Organic Acids & Anhydrides Manufacturing (B-55)	6.74 lb/hr (average for each batch cycle)
Solid/Liquid Chemical Waste Incinerators (B-248-1)	15.2 lb/hr (combined limit for both rotary kilns, 30-day rolling average)
Liquid Chemical Waste Incinerator (B-248-2)	2.0 lb/hr (30-day rolling average)

Public Participation

- A pre-draft copy of the redesignation request was submitted to EPA on May 3, 2024, and Tennessee responded to EPA's informal comments.
- Formal public participation is expected to begin around the end of January. Public participation will include a 30-day public comment period, in which members of the public and EPA may submit formal comments.
- A final redesignation request will be submitted to the Board for approval once the comment period has closed and all comments have been addressed.

Timeline

Event	Date
APC Board Briefing	January 8, 2024
Public Notice	End of January 2024
Public Hearing	End of February 2024
APC Board Vote	March/April 2024
Submit Final SIP to EPA	End of April 2024

THANK YOU

Department of Environment & Conservation

Annual Update to Incorporation by Reference for NSPS and NESHAP Rules

Mark A. Reynolds, Environmental Consultant

NESHAP Rules

- Federal NESHAP Rules
- National Emission Standards for Hazardous Air Pollutants (NESHAP)
- 40 CFR Part 61
- 40 CFR Part 63

NESHAP Rules

- Federal NESHAP rules are incorporated by reference in state rules at 0400-30-38
- Board approved this rule in June 2022
- Became state effective on December 28, 2022
- Adopted the July 1, 2020, version of 40 CFR Parts 61 and 63

NSPS Rules

- Federal NSPS Rules
- New Source Performance Standards (NSPS)
- 40 CFR Part 60

NSPS Rules

- Federal NSPS rules are incorporated by reference in state rules at 0400-30-39
- Board approved this rule in July 2024
- Became state effective on December 15, 2024
- Adopted the July 1, 2022, version of 40 CFR Part 60

NSPS & NESHAP Rules

- This current rulemaking will adopt the July 1, 2023, version of 40 CFR 60, 61, and 63

- Every year EPA publishes new rules and modifications to existing rules, including the NSPS and NESHAP rules

NSPS & NESHAP Rules

- The Division intends to update the CFR date every year with a rule revision

- By keeping the CFR date current, the Board will be able to keep the state regulations in line with the federal regulations and will be able to enforce the federal regulations directly

Asbestos NESHAP

- This current rule will also make minor amendments to the Asbestos NESHAP
  - Allow for electronic submissions instead of paper submissions
  - Use of state form for reporting
  - Clarifies some requirements
    - Who can perform an asbestos inspection
    - Asbestos inspection procedures
    - When a notification is needed
    - When a waste generator label is needed
    - Definitions for “facility” and “visible emissions”

Related project

- Working with EPA to change TDEC delegation of authority from “automatic” to “adopt by reference” for NSPS rule

- Delegation of authority has already been changed from “automatic” to “adopt by reference” for NESHAP rule

Schedule

Event	Date
1st Board Briefing	February 8, 2023
2nd Board Briefing	January 8, 2025
Public Notice	January 2025
Public Hearing	March 2025
Board Vote	April 2025
Governor's Office approval	May 2025
Attorney General approval	June 2025
File rule with Secretary of State	June 2025
Rule becomes state effective	September 2025

Questions

Mark A. Reynolds

Environmental Consultant

Tennessee Department of Environment and Conservation

Division of Air Pollution Control

mark.a.reynolds@tn.gov

(615) 532-0559

Department of Environment & Conservation

Regional Haze Progress Report

Mark A. Reynolds, Environmental Consultant

Regional Haze Program

- Regional haze is pollution that impairs visibility over a large region, including national parks and wilderness areas (many termed “Class I” areas).

- In the southeastern US, the dominant sources of haze-forming emissions are from coal-fired power plants, industrial boilers, and other combustion sources. Sulfate is the predominant visibility impairing pollutant.

Regional Haze

- State Implementation Plans (SIP)
  - Due every ten years

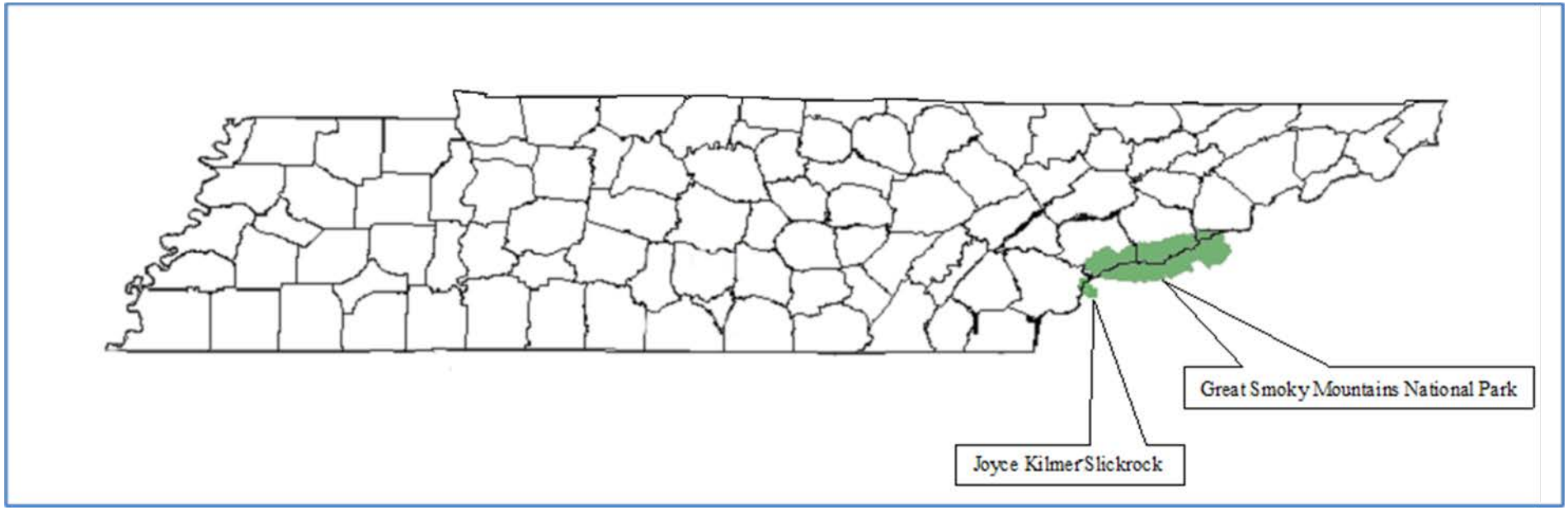
- Progress reports
  - Due every five years
  - No longer considered a SIP
  - Board approval is not necessary

Progress Report

- The Regional Haze Rule requires each state to periodically submit a report to the EPA evaluating progress towards the reasonable progress goal for each mandatory Class I area located within the State and in each mandatory Class I area located outside the State that may be affected by emissions from within the State
- Class I areas consist of National Parks greater than 6,000 acres, wilderness areas and national memorial parks greater than 5,000 acres

Tennessee Class 1 Areas

- Great Smoky Mountains National Park
- Joyce Kilmer-Slickrock Wilderness Area




Dolly Sods
Otter Creek
Shenandoah
James River Face
Mammoth Cave
Great Smoky Mountains
Linville Gorge
Joyce Kilmer-Slickrock
Shining Rock
Swanquarter
Cohutta
Sipsey Wilderness
Cape Romain
Wolf Island
Okefenokee
St. Marks
Chassahowitzka
N
W
E
S
Everglades

SIPs & Progress Reports

Submittal	Submittal Date
Round 1 SIP	Submitted April 4, 2008
Round 1 Progress Report	Submitted April 10, 2013
Round 2 SIP	Submitted February 23, 2022
Round 2 Progress Report	Due January 31, 2025

4-Factor Analysis in SIP

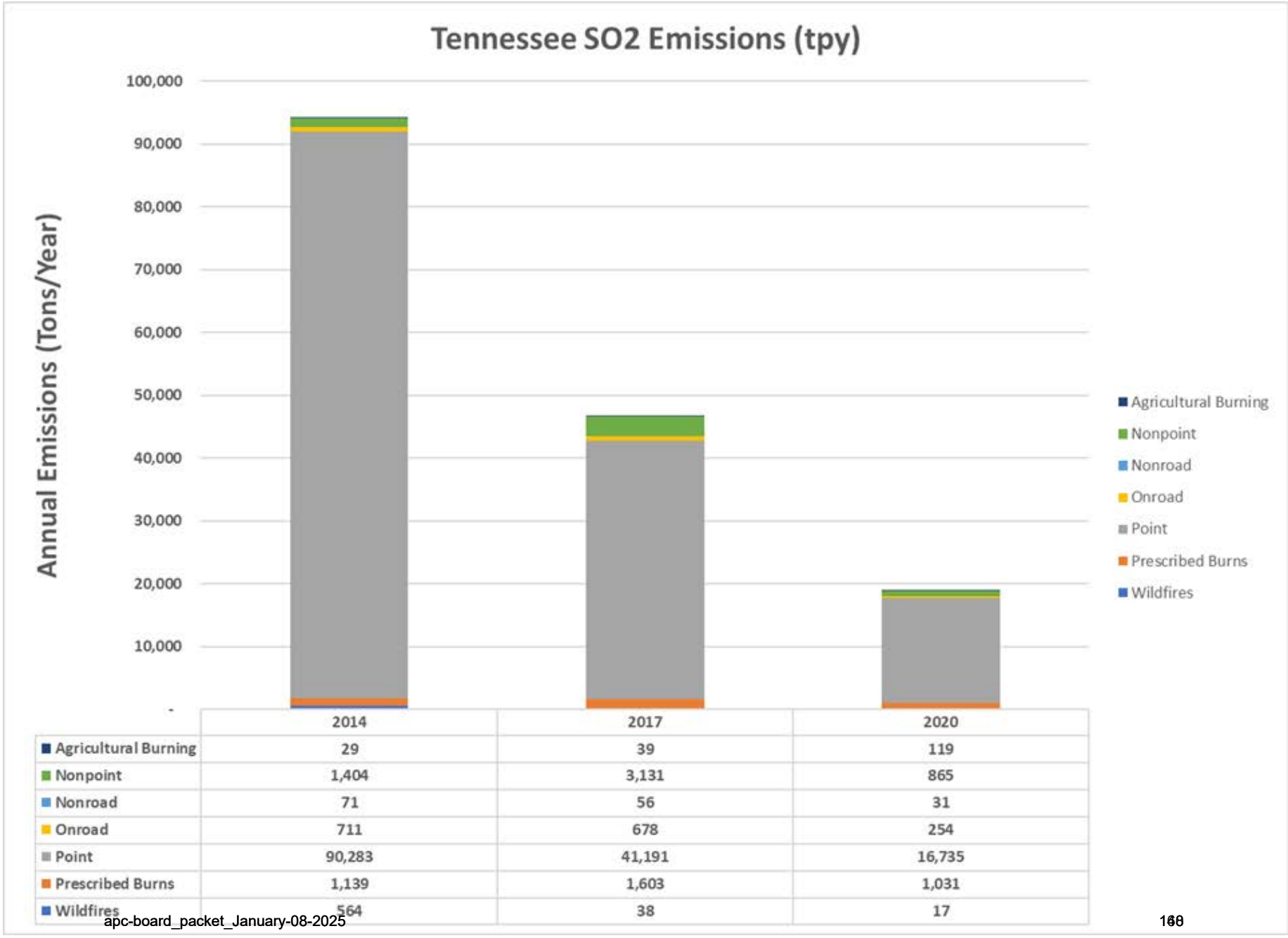
- During the 1st and 2nd implementation periods, the rule required states to identify sources that are contributing to visibility impairment and require those sources to undergo a reasonable progress analysis (aka 4-factor analysis)

4-Factor Analysis in SIP

- Eastman Chemical Company
  - Permanent shutdown of Boilers 18, 19, and 20
  - Installation of permanent dry sorbent injection on Boilers 23 and 24
  - Projected to result in a reduction of 2,608 tons/yr of SO_2

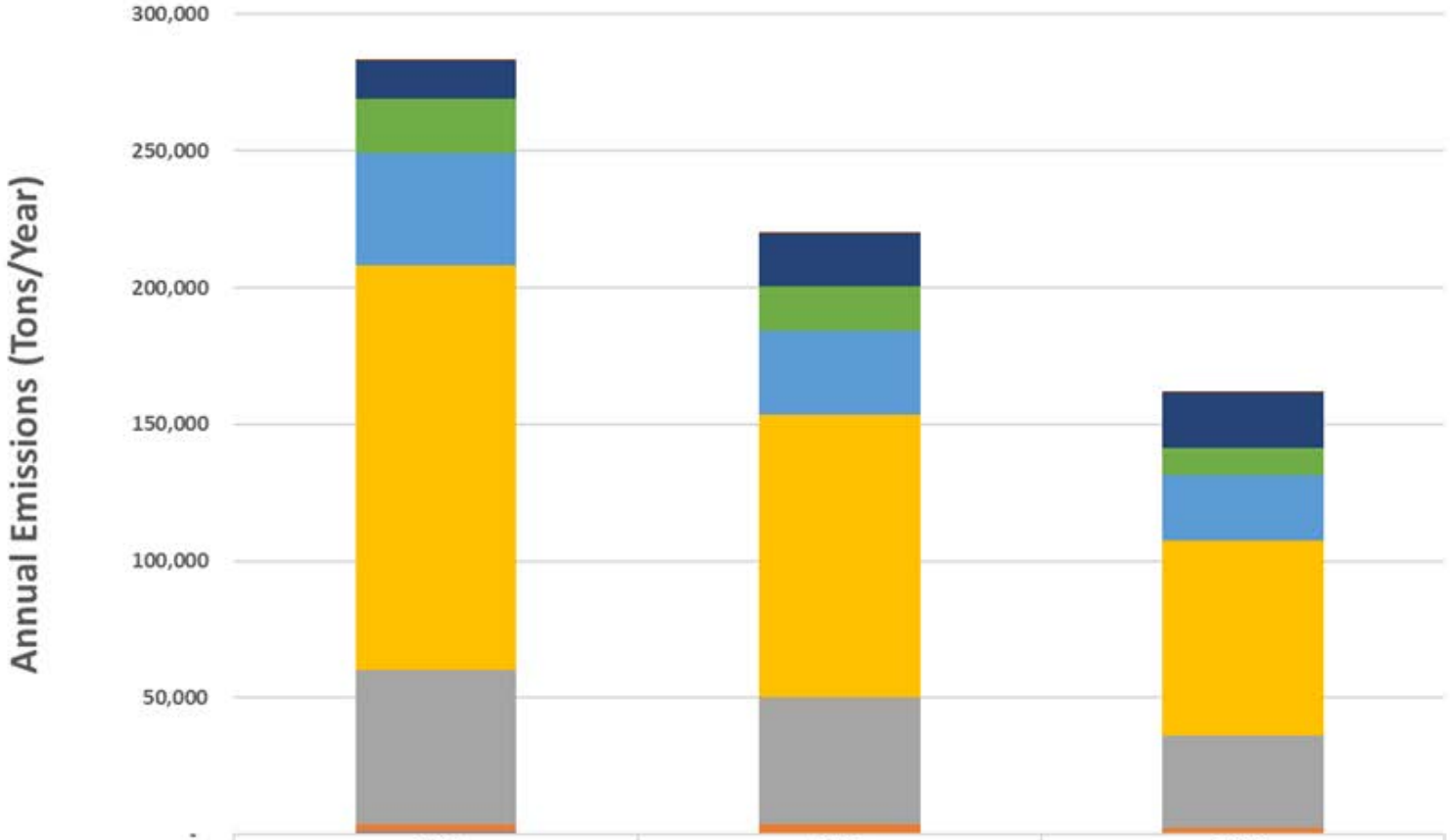
SIP Revision

- TVA Cumberland
  - Adopt into SIP, the permanent shutdown of two coal-fired units by December 31, 2028
  - After startup of two natural gas-fired combined cycle units
  - Net decrease in emissions of 2,545 tons/yr of NOx and 8,401 ton/yr of SO_2



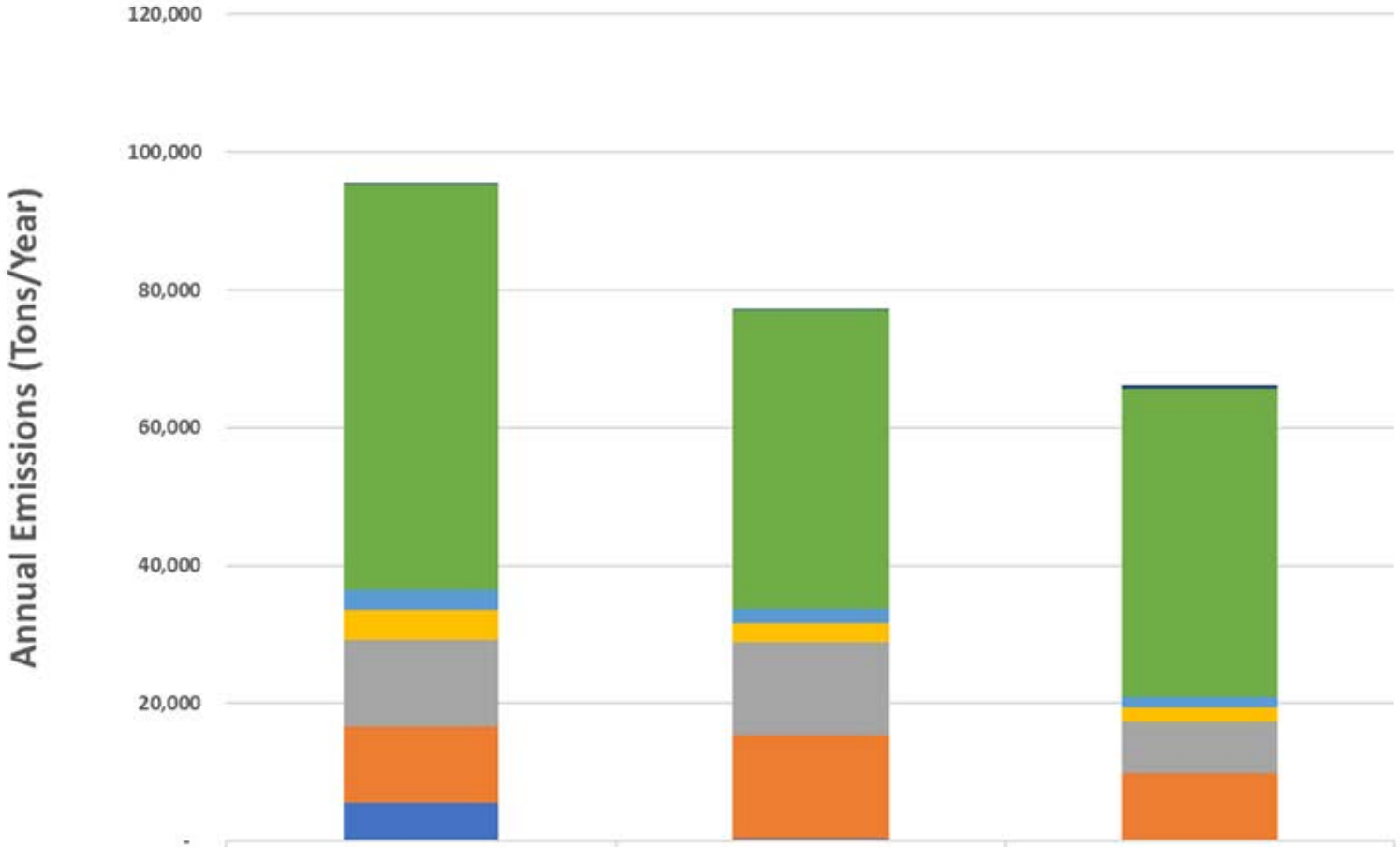
	2014	2017	2020
Agricultural Burning	29	39	119
Nonpoint	1,404	3,131	865
Nonroad	71	56	31
Onroad	711	678	254
Point	90,283	41,191	16,735
Prescribed Burns	1,139	1,603	1,031
Wildfires	564	38	17

Tennessee NOx Emissions (tpy)

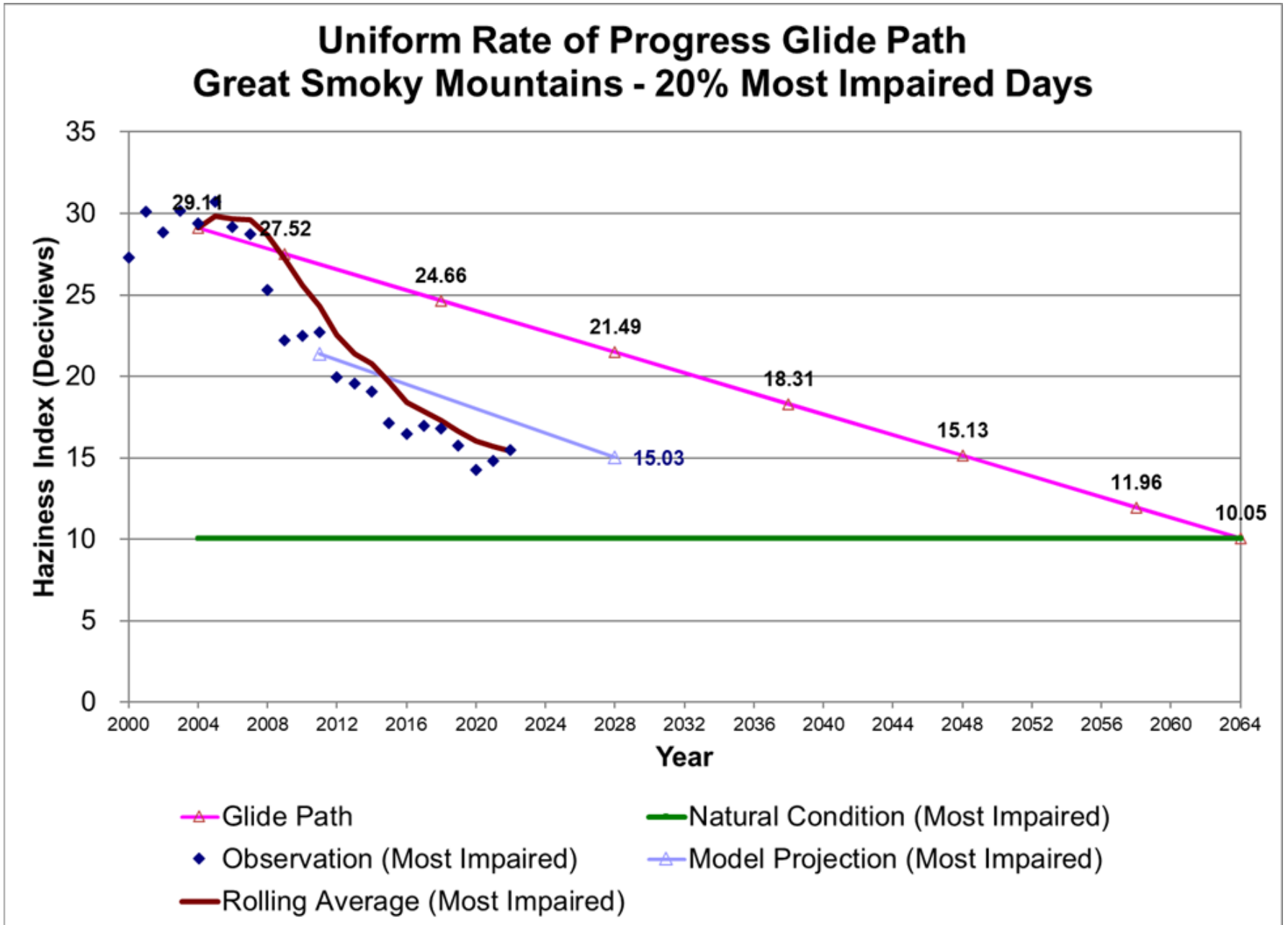


	2014	2017	2020
Agricultural Burning	83	86	242
Biogenic	13,857	19,458	20,477
Nonpoint	19,774	16,041	9,701
Nonroad	41,410	30,696	23,960
Onroad	147,638	103,407	71,331
Point	56,727	46,828	34,122
Prescribed Burns	2,403	3,441	2,209
Wildfires	1,167	82	38

Tennessee PM2.5 Emissions (tpy)



	2014	2017	2020
Agricultural Burning	294	197	503
Nonpoint	58,736	43,221	44,633
Nonroad	3,007	2,069	1,648
Onroad	4,335	2,903	2,140
Point	12,648	13,346	7,347
Prescribed Burns	10,984	15,114	9,731
Wildfires	5,592	365	158


Uniform Rate of Progress Glide Path
Great Smoky Mountains - 20% Most Impaired Days
Haziness Index (Deciviews)
35
30
25
20
15
10
5
0
2000
2004
2008
2012
2016
2020
2024
2028
2032
2036
2040
2044
2048
2052
2056
2060
2064
Year
29.11
27.52
24.66
21.49
18.31
15.13
11.96
10.05
15.03
Glide Path
Natural Condition (Most Impaired)
Observation (Most Impaired)
Model Projection (Most Impaired)
Rolling Average (Most Impaired)

FLM Consultation

- Rule requires states to consult with Federal Land Managers 60 days prior to public notice

- Federal Land Managers (FLM)
  - National Park Service
  - Fish & Wildlife Service
  - Forest Service

- Draft Progress Report sent to FLMs on October 10, 2024
  - No comments received from FLMs

Determination of Adequacy of SIP

- Significant emissions reductions in haze forming pollution have continued to occur into the 2nd Regional Haze Planning period
- As such, Tennessee is currently on track to exceed Regional Haze visibility goals for 2028.

- Tennessee declares that no further substantive revision of the existing SIP is needed at this time in order to achieve established goals for visibility improvement and emissions reductions

Schedule

Event	Date
Start of FLM consultation	October 10, 2024
Start of EPA Pre-Draft review	October 10, 2024
Received comments from EPA	November 5, 2024
Public Notice with 30-day comment period	
End of comment period	
Board Briefing	January 8, 2025
Deadline to submit Progress Report to EPA	January 31, 2025

Questions

Mark A. Reynolds
Environmental Consultant
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
mark.a.reynolds@tn.gov
(615) 532-0559